

1 DAVID S. RATNER (SBN 316267)
2 SHELLEY A. MOLINEAUX (SBN 277884)
3 RATNER MOLINEAUX, LLP
4 1990 N. California Blvd., Suite 20
5 Walnut Creek, CA 94596
6 Tel: (925) 239-0899
7 david@ratnermolineaux.com
8 shelly@ratnermolineaux.com

Per local Rule, This case is assigned to
Judge Devine, John P, for all purposes.

SUMMONS ISSUED

6 Attorneys for Plaintiffs
7 AMY HENDRICKS; BETH LONG;
8 HARLEY VALADEZ; KRISTEN KRIEGER

9 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **COUNTY OF CONTRA COSTA**

11 AMY HENDRICKS; BETH LONG; HARLEY
12 VALADEZ; KRISTEN KRIEGER,

13 Plaintiffs,

14 v.

15 CITY OF CONCORD; CONCORD POLICE
16 DEPARTMENT; and DOES 1 through 50,
17 inclusive.

18 Defendants.

Case No. C23-02544

COMPLAINT FOR DAMAGES

1. Retaliation, Cal. Gov't Code §12940(h)
2. Hostile Work Environment Harassment, Cal. Gov. Code § 12940(j)
3. Failure to Prevent Discrimination and Harassment, Cal. Gov. Code § 12940
4. Wrongful Termination in Violation of Public Policy
5. California Whistleblower Protection Act, Gov. Code § 8547.1
6. Gender Discrimination, Cal. Gov't Code §12940
7. Cal. Pregnancy Discrimination, Cal. Gov. Code § 12940
8. Retaliation, Cal. Lab. C. § 98.6

DEMAND FOR JURY TRIAL

24 1. Plaintiff AMY HENDRICKS (“Hendricks”), BETH LONG (“Long”), HARLEY
25 VALADEZ (“Valadez”), KRISTEN KRIEGER (“Krieger”), bring this action against Defendants CITY
26 OF CONCORD (“City of Concord”), CONCORD POLICE DEPARTMENT (“Concord PD”), and DOES
27 1 through 50, inclusive.

28 **PARTIES**

1 2. Plaintiff Hendricks is, and at all times relevant to this action was, a resident of Oakley,
2 California and Clayton, California.

3 3. Plaintiff Long is, and at all times relevant to this action, was a resident of Martinez,
4 California.

5 4. Plaintiff Valadez is, and at all times relevant to this action, was a resident of Oakley,
6 California.

7 5. Plaintiff Krieger is, and at all times relevant to this action, was a resident of Lafayette,
8 California.

9 6. The events giving rise to this action arose in Concord, California.

10 7. Plaintiffs are informed and believe, and based thereon alleges, that Defendant City of
11 Concord is a California is a municipal corporation and is authorized to do business in California.

12 8. Plaintiffs are informed and believe, and based thereon alleges, that Defendant Concord PD
13 is a public entity and is authorized to do business in California.

14 9. Plaintiffs do not know the true names of Defendants Does 1 through 50, inclusive, and
15 therefore sues them by those fictitious names. The names, capacities, and relationships of Defendants Does
16 1 through 50, inclusive, will be alleged by amendment to this Complaint when the same are known to
17 Plaintiffs.

18 10. The true names and capacities, whether individual, corporate, associate or otherwise, of
19 defendants Does 1 through 50 (“Does”), inclusive and each of them, are not known to Plaintiffs at this
20 time. Such Does are legally responsible for the events and happenings described herein and for the damages
21 proximately caused thereby. Plaintiffs will seek the leave of the Court to amend this complaint to set forth
22 the true names and capacities of any such Does when they have been ascertained.

23 11. On information and belief, at all times mentioned herein, defendants, inclusive and each of
24 them, including without limitation any Does, were acting in concert and participation with each other; were
25 joint participants and collaborators in the acts complained of; and were the agents and/or employees of one
26 another in doing the acts complained of herein, each acting within the course and scope of said agency
27 and/or employment.

28 12. City of Concord, Concord PD, and Does 1 through 50, inclusive, are collectively referred

1 to hereafter as “Defendants”.

2 ***JURISDICTION AND VENUE***

3 13. This Court has jurisdiction over Defendants because at all times relevant, they were
4 authorized to transact, and are transacting business in California.

5 14. Venue is proper in this Court pursuant to Code of Civil Procedure § 395, because the acts,
6 events and omissions complained of herein occurred in Contra Costa, California.

7 ***EXHAUSTION OF ADMINISTRATIVE REMEDIES***

8 15. On or about January 6, 2023, Plaintiff Hendricks obtained her Right to Sue Letter from the
9 California Civil Rights Department attached hereto as Exhibit A.

10 16. On or about October 11, 2022, Plaintiff Long obtained her Right to Sue Letter from the
11 California Civil Rights Department attached hereto as Exhibit A.

12 17. On or about April 3, 2023, Plaintiff Valadez obtained her Right to Sue Letter from the
13 California Civil Rights Department attached hereto as Exhibit A.

14 18. On or about October 18, 2022, Plaintiff Krieger obtained her Right to Sue Letter from the
15 California Civil Rights Department attached hereto as Exhibit A.

16 ***GENERAL ALLEGATIONS***

17 19. Each Plaintiff is a seasoned, career Police Officer with a history of accomplishments in the
18 Concord Police Department. Over the years, the Concord PD rewarded Plaintiffs’ individual
19 accomplishments with promotions, special assignments, and pay increases.

20 20. However, as this complaint will detail, the Concord Police Department is dominated by
21 misogynistic men who are unwilling to allow these four eminently qualified women to grow and thrive.
22 As a result, not only has the Concord Police department damaged the Plaintiffs’ careers and damaged the
23 Plaintiffs emotionally and psychologically, but, more important, the Concord Police Department has
24 damaged the citizens of Concord, California by preventing extremely well qualified officers to serve to the
25 best of their ability.

26 **A. Plaintiff Amy Hendricks**

1 21. Amy Hendricks (“Hendricks”) is 46-year-old female who began working for Concord PD
2 in March of 2000, sworn in February of 2003, as a Police Officer, until her wrongful termination in
3 December of 2021 by means of forced retirement.

4 22. Ms. Hendricks received pay increases, bonuses, and positive feedback throughout her time
5 with Concord PD. Ms. Hendricks had been a well-regarded, valued employee that Concord PD subjected
6 to gender discrimination, harassment, retaliation, and constructive termination.

7 23. In August of 2001, Ms. Hendricks went on maternity leave for the birth of her first child.
8 Concord PD had initially told her not to worry about childcare. They informed Ms. Hendricks that she
9 could bring her child into the office and breastfeed. However, one day outside of the police academy
10 building, Sergeant Phil Johnson made comments about her “boobs flopping all over the place.” Shortly
11 after, a male supervisor instructed her via chain-of-command that she was unable to bring her child into
12 the office. Ms. Hendricks was not provided with any explanation for the sudden change in policy. Ms.
13 Hendricks was not offered any support in sourcing childcare.

14 24. Initially, Ms. Hendricks began her employment as a non-sworn employee. Near the end of
15 2001, Ms. Hendricks applied for a Police Trainee position. She was given a conditional job offer to attend
16 the Police Academy. Concord PD withdrew the offer soon after and allowed her to return to her previous
17 non-sworn position. This occurred four days prior to her academy start date. Ms. Hendricks was told that
18 her background revealed she was “too authoritative” and said she was “not a team player.” As a woman
19 5’4” in height in a male dominated environment, Ms. Hendricks needed to be more pronounced to be taken
20 seriously amongst her male superiors and colleagues. Ms. Hendricks felt publicly humiliated as it was
21 common knowledge she was supposed to be enrolled in the academy and suddenly was withdrawn.

22 25. After adjusting to meet Concord PD’s expectations, Ms. Hendricks received more
23 conflicting feedback of “not being tough enough” and “being a bitch.” Her male colleagues were allowed
24 to carry the same attitude and character, only to receive praise and acceptability while Ms. Hendricks was
25 judged and criticized on the basis of her gender.

26 26. Ms. Hendricks was assigned certain types of police calls. Her gender influenced the types
27 of assignment received. She was assigned calls relating to babies, kids, and sexual assaults. These types of
28 calls were very mentally and emotionally tolling for her. As a woman and mother, Ms. Hendricks was not

1 provided with the same level of support afforded to her male counterparts. This inevitably contributed to
2 her Post-Traumatic Stress Disorder (“PTSD”).

3 27. Throughout her time at Concord PD, Ms. Hendricks recollected only shedding tears on a
4 call twice. On one call, she had to tell an eleven-year-old girl that her mother died. She was not allowed to
5 be human on the job as being a woman made her “emotional” and “overreacting.” Concord PD placed
6 unrealistic standards on her, which were not extended to her male counterparts.

7 28. On February 3, 2003, Ms. Hendricks was sworn in as a Concord Police Officer.

8 29. On April 5, 2004, Ms. Hendricks filed for divorce. She had one child with her former
9 partner. It was emotionally draining and events in her personal life became common knowledge throughout
10 department. Some of Ms. Hendricks’ supervisors and colleagues would provide unsolicited feedback and
11 their opinion on her decision to divorce. One male supervisor encouraged her to stay with her husband and
12 stated to her that, “All men cheat” and “You don’t want to break up your family.”

13 30. On January 3, 2005, Ms. Hendricks began a temporary transfer program as a Detective for
14 the Financial Crimes Unit. She was one of few individuals selected for this program based on her
15 exceptional job performance. Ms. Hendricks received ‘Exceeds Standards’ regarding her work habits and
16 report writing on employee performance appraisals.

17 31. On February 16, 2005, Ms. Hendricks was interviewed by an attorney, Linda Tripoli,
18 regarding an Internal Affairs (“IA”) investigation for a sexual harassment complaint brought forth by
19 Noelle Bolstad, a non-sworn female staff member. This complaint was not initiated by Ms. Hendricks.
20 However, Ms. Hendricks disclosed that the subject of the investigation, Sergeant Johnson, had
21 discriminated, sexually harassed, and retaliated against her on the basis of gender.

22 32. During the investigation, Ms. Hendricks disclosed that Sergeant Johnson created a hostile
23 work environment from the very start of her employment with Concord PD. Sergeant Johnson asked about
24 her thoughts on monogamy. He stated, “There are things a guy needs that you just can’t do with your wife.”
25 He also made comments about her divorce. Sergeant Johnson stated, “Don’t break up your family.” He
26 made inappropriate sexual comments about her “having a penis” and being “just like man.” He spoke
27 loudly to another male colleague stating, “I need pussy every day.”

28 33. Sergeant Steve Dyer instructed Ms. Hendricks to not disclose any information about the

1 investigation regarding sexual harassment with anyone aside from a legal representative. After some time,
2 Ms. Hendricks was informed that Sergeant Johnson voluntarily resigned from Concord PD in lieu of
3 termination.

4 34. On October 15, 2005, Ms. Hendricks married her husband, Anthony Hendricks (“Mr.
5 Hendricks”).

6 35. On December 3, 2005, Ms. Hendricks tested for the Youth Services Bureau Detective
7 Position. Ms. Hendricks was denied a promotion despite continuing to exceed expectations in her role.
8 Concord PD gave no reason or explanation for denying her promotion, although it could be assumed that
9 Concord PD began retaliating against Ms. Hendricks for her complaints during the IA on Sergeant Johnson.

10 36. On December 28, 2005, Ms. Hendricks was notified that she was assigned to a Dispatch
11 role based on her pregnancy. She was instructed to perform temporary modified work which began on
12 January 2, 2006. Concord PD placed Ms. Hendricks under the direct supervision of Sergeant Garrett
13 Voerge.

14 37. On August 10, 2006, Ms. Hendricks went on maternity leave for the birth of her second
15 child.

16 38. On August 29, 2007, Ms. Hendricks started a bachelor’s program at California State
17 University Long Beach. She pursued higher education for personal development and to expand her career
18 opportunities at Concord PD.

19 39. On October 10, 2007, Ms. Hendricks was selected for the Patrol Rifle Program, an ancillary
20 assignment. She received employee performance appraisals and other positive feedback.

21 40. On March 29, 2008, Ms. Hendricks tested for a Sexual Assault Investigator Position in the
22 Youth Services Bureau. She was denied a promotion despite consistently exceeding expectations in her
23 role. Concord PD gave no reason or explanation for denying her promotion.

24 41. On April 25, 2008, Ms. Hendricks was reassigned to Dispatch due her pregnancy status.
25 Some of her colleagues made backhanded comments, “Oh, she’s pregnant again.” Her pregnancy was
26 treated as an inconvenience to the department.

27 42. On May 24, 2008, Ms. Hendricks lost her baby during pregnancy. She returned to work four
28 days later. Feeling isolated, Ms. Hendricks was not offered any type of support at Concord PD, neither

1 mental health services or leave options. Peer Support did not reach out to her despite being aware of the
2 situation and her immediate return to work.

3 43. On October 10, 2008, Ms. Hendricks was reassigned to Dispatch due her pregnancy status.

4 44. On November 10, 2008, Ms. Hendricks tested for the Special Victims Unit Detective. She
5 was denied a promotion despite continuing to exceed expectations in her role. Concord PD gave no reason
6 or explanation for denying her promotion. Ms. Hendricks continued to seek opportunities to grow and
7 expand on her career, yet Concord PD continued to overlook and dismiss her efforts.

8 45. On January 12, 2009, Mr. Hendricks entered the Napa Police Department Academy.

9 46. On February 20, 2009, Ms. Hendricks was interviewed by attorney, D'Anne Louise
10 Gleicher, regarding Lisa Capocci's sexual harassment complaint against a male officer. Ms. Hendricks
11 disclosed that she believed the subject of the investigation, Corporal Michael Hansen, was "a male
12 chauvinist pig." At the same time, she spoke out against Ms. Capocci's sexual harassment complaint. Ms.
13 Hendricks was given positive attention for speaking against her female colleague. Concord PD pitted
14 female officers against one another rather than addressing concerns of sexism in the department.

15 47. On May 18, 2009, Ms. Hendricks's husband failed out of the police academy, losing his
16 job sponsored by the Richmond Police Department. He failed the firearms exam due to unknowingly being
17 left eye dominant. Ms. Hendricks was forced to go back to work and quickly weaned her daughter off
18 breastfeeding. She was working seventy to seventy-five hours a week to support her family, without
19 support from her peers, supervisors alike.

20 48. Ms. Hendricks' work environment caused her a great deal of stress and anxiety. Rumors
21 regarding her husband's work status began to circulate around the department. Her colleagues stated a
22 search warrant was going to be placed on Ms. Hendricks's house. She strongly believes her personal life
23 wouldn't be a subject of workplace gossip had she been man.

24 49. On May 27, 2009, Ms. Hendricks earned her bachelor's degree from California State
25 University Long Beach. She was credentialed for part-time Teaching in Law Enforcement. Ms. Hendricks
26 continued to make herself more competitive. She strengthened her skills, undergoing extensive training
27 and workshops.

28 50. On October 6, 2009, Ms. Hendricks was interviewed by attorney, Maureen McClain,

1 regarding Lisa Capocci's sexual harassment complaint. Concord PD forced her participation while the
2 department offered her no support for her addressed concerns of sexism, harassment, and lack of support.

3 51. The following retaliation ensued after Ms. Hendricks' continued complaints of gender
4 discrimination and harassment during Internal Investigations.

5 52. On November 9, 2009, Ms. Hendricks submitted a 'Memo of Interest' for the Tactical
6 Negotiations Team. She was passed up on the assignment by Captain Daniel Siri with no explanation.

7 53. On January 22, 2010, Ms. Hendricks' submitted a 'Memo of Interest' for Defensive Tactics
8 Instructor. Again, she was passed up on the assignment for a male colleague despite being the most
9 qualified and skilled candidate and with no explanation.

10 54. On April 22, 2010, Ms. Hendricks submitted for Patrol Corporal. She was denied a
11 promotion despite being overly qualified and continuing to exceed expectations in her role. Concord PD
12 gave no reason or explanation for denying her promotion.

13 55. On May 15, 2010, Ms. Hendricks tested for Financial Crimes Unit Detective. She was
14 denied a promotion despite continuing to exceed expectations in her role and skillset. Concord PD gave no
15 reason or explanation for denying her promotion.

16 56. On May 15, 2010, Ms. Hendricks tested for Special Victims Unit Detective. She was denied
17 a promotion despite continuing to exceed expectations in her role. Concord PD gave no reason or
18 explanation for denying her promotion.

19 57. On June 23, 2010, Ms. Hendricks was ordered to testify in a deposition hearing for Lisa
20 Capocci v. City of Concord. The experience was very stressful and yet Concord PD offered no support or
21 resources to Ms. Hendricks.

22 58. On February 14, 2011, Ms. Hendricks tested for Financial Crimes Unit Detective. She was
23 denied a promotion despite her continuing to far exceed expectations in her role. Again, Concord PD gave
24 no reason or explanation for denying her promotion.

25 59. On February 14, 2011, Ms. Hendricks also tested for Special Victims Unit Detective. After
26 facing many promotion denials despite being overly qualified, Concord PD finally promoted Ms.
27 Hendricks. This time, Concord PD's representative responsible for Ms. Hendricks' promotion was a *female*
28 Sergeant, Tiffany Leftwich-Barraco. All previous promotion denials were from male supervisors. Ms.

1 Hendricks began her assignment as a Special Victims Unit Detective in June 2011.

2 60. In 2011, Ms. Hendricks was pressured into a relationship with her peer, Jeff Ross. He later
3 became her supervisor. He took advantage of Ms. Hendricks when he saw her vulnerable. In 2016, after
4 numerous attempts by Ms. Hendricks, this relationship ended. Corporal Ross later reported their sexual
5 relationship to the department's IA after Ms. Hendricks filed a workers' compensation claim. Concord PD
6 had knowledge of their relationship and failed to take any corrective action or even speak to Ms. Hendricks.
7 There was no investigation done into the matter. Instead, Concord PD used this trauma against Ms.
8 Hendricks to condone abuse, slut-shame her, and sway her from continuing to pursue her workers'
9 compensation claim.

10 61. Concord PD did not investigate the supposed sexual relationship between a male supervisor
11 and a female subordinate. Instead, Concord PD disclosed their knowledge of the sexual relationship in a
12 letter to the Qualified Medical Evaluator ("QME"), Doctor Kipperman. The letter dated January 14, 2021,
13 stated, "The applicant had engaged in a seven-year affair with a Sergeant Ross." The letter falsely claims
14 the sexual conduct was made public by Ms. Hendricks. Concord PD used this information to question her
15 mental health status. At Concord PD, it was acceptable and admired for male officers to engage in
16 relationships outside of their marriage while female officers were shamed and harassed.

17 62. On May 30, 2012, Ms. Hendricks submitted a 'Memo of Interest' for the position of
18 Computer Voice Stress Analyzer ("CVSA"). As a form of retaliation for her complaints of gender
19 discrimination and affair, she was denied the assignment despite continuing to exceed expectations in her
20 new role. Concord PD gave no reason or explanation for denying her promotion. In fact, Lieutenant Ivan
21 Menchaca passed up Ms. Hendricks for two less experienced and junior detectives in the unit.

22 63. In winter 2012, Ms. Hendricks was shamed and harassed by her superiors and colleagues
23 for not divorcing her husband. She received unsolicited comments about her marital status and certain
24 colleagues stopped talking to her while rumors circulated through the department. Her career situation
25 became more impacted by her husband's career. Ms. Hendricks was treated differently in her own work
26 environment due to her husband's actions. Concord
27 PD did not offer any support or community to Ms. Hendricks. Instead, she was isolated and judged for her
28 husband's actions.

1 64. On January 10, 2013, Ms. Hendricks tested for Community Service Desk Corporal. She was
2 pre-selected by Captain Bill Roche for the position. This resulted in her promotion, as a male superior with
3 authority and influence happened to decide on her promotion. The gender bias in promotions was reflected
4 in Concord PD's unfair and non-transparent selection processes. This was the first and only time Ms.
5 Hendricks benefited from the biased selection for positions that was consistent in Concord PD's history.
6 Ms. Hendricks began as Community Service Desk Corporal in May 2013. However, this wasn't really a
7 role that she was interested in, but she took it as her previous attempts at promotion had been denied. The
8 unit was in disarray when she took over and Ms. Hendricks was later credited with re-organizing and
9 revitalizing it.

10 65. On March 14, 2014, Ms. Hendricks sent a memo to her supervisors regarding a personal
11 safety concern related to a case she handled. Her concerns were dismissed and unaddressed. As a Special
12 Victim's Unit Detective, Ms. Hendricks served as an expert in the county. She assisted with placing an
13 individual in prison. She received a social media friend request from the brother of said individual, who
14 was on parole. The brother also had a criminal history. She was concerned that a felon had managed to
15 obtain her personal information and attempted to stalk her on the internet. She notified Concord PD as she
16 feared for the safety of her home and family. Due to Ms. Hendricks gender status, Concord PD minimized
17 her experiences and stated she was "overacting." She was assigned a detective, but no additional safety
18 measures were taken or offered to Ms. Hendricks and her family.

19 66. In spring 2014, Ms. Hendricks received the initial elder abuse complaint regarding her
20 colleague and friend, Matthew Switzer. She immediately notified her supervisor and Officer Switzer was
21 terminated. He was arrested over an incident related to his long-term struggles with drug abuse. He was
22 predisposed to addiction due to a lifetime of trauma. Ms. Hendricks helped to support Mr. Switzer's wife
23 and children. Mr. Switzer's wife, Angela Rose, also worked for Concord PD. It took a heavy toll on Ms.
24 Hendricks to witness the aftermath of Mr. Switzer's mental health struggles. Supervisors and colleagues
25 were aware of Ms. Hendricks' relationship with Officer Switzer and her efforts to console his family.
26 However, Concord PD did not offer Ms. Hendricks any form of support and no one from Peer Support
27 reached out.

28 67. On April 29, 2014, Ms. Hendricks tested for Police Sergeant. As continued retaliation, she

1 was denied a promotion despite continuing to exceed expectations in her role, being more than qualified,
2 and standing out from her peers. Concord PD provided no reason or explanation for denying her promotion.

3 68. On May 23, 2014, Ms. Hendricks began seeing a psychiatrist for work related insomnia,
4 nightmares, and anxiety. She met with Doctor Simrita Singh to discuss the ways she was being treated
5 unfairly at work. She handled numerous traumatic calls, including some difficult cases that involved torture
6 and homicide. Her conversations always centered around work, which Dr. Singh identified as the source
7 of stress. Concord PD instructed her to not talk about her struggles as it was a sign of “weakness.” She had
8 to seek her own mental health services. On top of that, the department therapist lacked ethical boundaries,
9 as she would discuss employee’s problems with other employees.

10 69. On June 12, 2014, Ms. Hendricks tested for Patrol Corporal. As continued retaliation, she
11 was denied a promotion despite continuing to exceed expectations in her role.

12 70. On December 3, 2014, Ms. Hendricks tested again for Patrol Corporal. Concord PD gave
13 no reason or explanation for denying her promotion.

14 71. On January 20, 2015, Ms. Hendricks started in the Master’s program for Emergency
15 Services Administration at California State University Long Beach through distance learning. Her efforts
16 to grow in her career were not being recognized by Concord PD. She believed continuing her education
17 would allow her the opportunity to expand on her career at Concord PD. She worked to make herself more
18 attractive for promotions, yet due to Concord PD’s showcase of gender discrimination, she continued to
19 be overlooked.

20 72. On March 25, 2015, Ms. Hendricks participated in a Mock Sergeant’s Exam Oral Board.
21 This exam was recorded by Marin Consulting in the Concord Police Department’s facilities. She was
22 ranked 3 out of 7. Ms. Hendricks was told she was “extremely competitive for future interviews” and a
23 clip of her live interview was later posted as a positive example on Marin Consulting’s website. She
24 continued to perform at a higher level as a competitive candidate. She documented her successes by
25 tracking her promotions. Her career trajectory did not match how she was treated or rewarded for her
26 efforts. She was promoted at a significantly slower pace than her male counterparts.

27 73. On May 15, 2015, Ms. Hendricks electively returned to Patrol Division as an Officer, in
28 order to pursue promotional opportunities.

1 74. On July 7, 2015, Ms. Hendricks tested for Police Sergeant. Concord PD implemented a new
2 exam process at the time which began with a reading assignment and essay. She scored 78/100 overall.
3 The exam was very subjective in format. There was also no clear score breakdown to provide candidates
4 with areas to improve upon. Ms. Hendricks was denied a promotion.

5 75. On August 7, 2015, Ms. Hendricks participated in an oral board panel as part of the ongoing
6 Police Sergeant testing process. Ms. Hendricks had a brief conversation with her colleague, Paco Ramirez,
7 after a Command Staff Interview. Captain Siri overheard a comment Ms. Hendricks made to Officer
8 Ramirez. Officer Ramirez later informed Ms. Hendricks that Captain Siri had ordered him to write a memo
9 against her about race concerns. This resulted in a formal complaint against Ms. Hendricks during the
10 promotional exam process and she was accused of being racially biased. It was concluded Ms. Hendricks'
11 joke was "rude and discourteous," but not racially bias. Captain Siri was Officer Ramirez's supervisor. Ms.
12 Hendricks felt the entire investigation was meant to prevent her from promotion. Eventually, she was
13 denied a promotion despite continuing to exceed expectations in her role. Concord PD told Ms. Hendricks
14 that she needed to "be less emotional" and "avoid taking credit for anything" in their feedback. This
15 incident caused her a great deal of emotional distress.

16 76. On September 14, 2015, Ms. Hendricks began a shift with a newly promoted, woman of
17 color, Sergeant Renee Williams. Ms. Hendricks and Sergeant Williams attended the police academy
18 together. Unlike Ms. Hendricks, Sergeant Williams was fast tracked into different positions, despite not a
19 lot of patrol experience. Colleagues had widely believed Sergeant Williams was promoted in order to
20 promote diversity as she was not experienced enough for the position.

21 77. Concord PD often promoted certain types of women. Lesbians or women of color were fast
22 tracked while heterosexual non-women of color struggled with promotion. Sergeant Williams was a Black
23 female, lacking qualifications and acted subordinately to her male counterparts.

24 78. Ms. Hendricks reported Sergeant Williams for repeatedly being unsafe on various incidents.
25 In one incident, Sergeant Williams did not properly assist Ms. Hendricks during an arrest where the suspect
26 was resisting. Sergeant Williams let Ms. Hendricks fight with a guy alone during the arrest rather than
27 getting involved, standing behind her and watching, which violated a basic requirement of policing.
28 Another incident involved Sergeant Williams driving past an in-progress crime where teammates had

1 individuals at gunpoint. Sergeant Williams was supposed to stop to assist during the in-progress crime, but
2 she failed to do so and went on to be with the officer interviewing the victim. In another incident, Sergeant
3 Williams attempted to take blood from Ms. Hendricks for a minor traffic incident, both illegal and
4 inappropriate. Sergeant Williams did so in front of four of Ms. Hendricks' colleagues. Corporal Ross
5 taunted Ms. Hendricks over the incident and rumors started spreading about Sergeant William attempting
6 to take Ms. Hendricks' blood.

7 79. On September 18, 2015, Ms. Hendricks was served with a 'Notice of Interview' for her
8 comment to Officer Ramirez. The racially biased accusation was dropped. She received an informal one
9 year 'Employee Discussion' as a form of retaliation.

10 80. On October 4, 2015, Ms. Hendricks submitted a standard training request for the Women
11 Leaders in Law Enforcement Symposium, an annual statewide training, she had attended for the past three
12 years. She submitted her request to attend this conference to Sergeant Williams. Shortly after, Sergeant
13 Williams informed Ms. Hendricks that Lieutenant Menchaca denied her request. He requested a detailed
14 list of break-out trainings that Ms. Hendricks was going to attend. Ms. Hendricks had never been required
15 to provide this information previously nor after this incident. She received unfair treatment by Lieutenant
16 Menchaca. Another colleague informed Ms. Hendricks that Lieutenant Menchaca was intimidated by her
17 intelligence and confidence. He would avoid her while talking to other people surrounding her.

18 81. On December 13, 2015, Ms. Hendricks was served with an 'Employee Discussion.' She
19 received negative remarks on her record for submitting reports late. This was issued by Sergeant Williams
20 as a form of retaliation for her complaints against her. It was also Sergeants Williams' effort to assert her
21 authority as the new supervisor over Ms. Hendricks.

22 82. On December 14, 2015, Ms. Hendricks reported several concerns about safety related to
23 Sergeant Williams's deficiencies as a supervisor to a Peer Support Lead, Rob Zywicki. He advised her to
24 make a formal complaint. Ms. Hendricks filed a report. She was scheduled to meet with Captain Garrett
25 Voerge on December 16, 2015.

26 83. On December 15, 2015, Ms. Hendricks filed a claim with human resources ("HR") and
27 attempted to take stress leave due to the ongoing safety concerns being brushed under the rug. Concord PD
28 prioritized keeping a Black female in a position for which she was ill-equipped. Ms. Hendricks participated

1 in the claims process but ultimately withdrew when Concord PD's solution was to remove Sergeant
2 Williams from a patrol position and keep her as a supervisor in a non-patrol capacity. Also, Concord PD
3 made it difficult for Ms. Hendricks to go out on paid leave. She did not feel it was worth fighting for two
4 weeks of sick time and as a result, she did not take paid stress leave.

5 84. On December 16, 2015, Ms. Hendricks met with Captain Voerge to formally file
6 complaints. They removed Sergeant Williams from Patrol, implying all Ms. Hendricks' concerns were
7 valid. Concord PD only looked into her concerns after Ms. Hendricks filed for stress leave and filed a
8 formal complaint. Concord PD responded when a woman reported another woman unlike when a woman
9 reported a man within the department.

10 85. On January 2, 2016, Ms. Hendricks tested for Patrol Corporal. She interviewed in April
11 2016. There were four positions and five candidates. The first three positions were given to male candidates
12 with less experience. Officer Jeff Sherwin, a male, was selected for the fourth position but he declined the
13 position due to the required work hours. Ms. Hendricks was offered the position as a last choice despite
14 expressing interest in the role. She began on May 9, 2016.

15 86. On January 22, 2016, Ms. Hendricks began working weekend dayshift under Sergeant
16 Cody Harrison's supervision. He became a bully, hypercritical, and micromanaging towards her. Sergeant
17 Harrison gave Ms. Hendricks sexual assault reports to her in excess. These types of reports were very time
18 consuming and emotionally draining. Sergeant Harrison continued to provide Ms. Hendricks with a
19 burdensome workload.

20 87. On February 6, 2016, Ms. Hendricks received a negative 'Employee Discussion' for late
21 reports from Sergeant Harrison. Concord PD placed unreasonable expectations on her, requiring her to
22 meet impossible deadlines and overloaded her with work. She was more closely monitored and criticized
23 compared to her male counterparts.

24 88. Around April or May 2016, Ms. Hendricks was asked by Lieutenant Sean Donnelly to
25 volunteer for reassignment to Dispatch. This was a full-time role and essentially placed any pursuit for
26 promotion on hold. She declined the reassignment due to family and career goals as a police officer. This
27 went against her career trajectory with Concord PD.

28 89. On May 19, 2016, Ms. Hendricks started as Provisional Patrol Corporal on weekend

1 graveyard shifts. Her first shift involved a major homicide investigation. Ms. Hendricks served as the scene
2 supervisor. Ms. Hendricks received positive feedback for her performance in her new role. This incident
3 was mentioned when she tested for Sergeant, attesting to her skills and ability to perform well.

4 90. On June 30, 2016, Ms. Hendricks received a phone call from Captain Voerge while off-
5 duty. Captain Voerge instructed her that she was being reassigned full-time to Dispatch, effective
6 immediately, in spite of her recent offer decline by Lieutenant Donnelly. Ms. Hendricks knew of
7 circumstances involving Captain Roche retaliating against the female Dispatchers, which intentionally
8 caused a staffing shortage. He told Ms. Hendricks that the Dispatchers were “bitches” and he was going to
9 “make it miserable for them.” Captain Roche said he was going to “force them out” and get the “good
10 ones” jobs elsewhere. Ms. Hendricks spoke out about this decision to the Police Association Board.

11 91. On July 9, 2016, Ms. Hendricks submitted three training requests related to
12 recommendations by her patrol supervisor. All three requests were initially denied by Lieutenant Nicholas
13 Gartner because they were no longer relevant to her assignment in Dispatch. Captain Voerge eventually
14 overturned the declines and allowed her to attend the trainings.

15 92. On July 13, 2016, Ms. Hendricks, Beth Long, and Christie Corey met with POA Board.
16 Concord PD had selected these three female officers to be reassigned to Dispatch full-time. The three
17 female officers felt Concord PD retaliated against them by placing them in Dispatch roles, essentially
18 demotions. After the meeting, Ms. Hendricks, Ms. Long, and Officer Corey addressed their concerns over
19 gender bias and discrimination at the General POA Membership Meeting.

20 93. On July 24, 2016, Ms. Hendricks attended the West Coast Post-Trauma Retreat for six days.
21 This was an event held for First Responders. Concord PD’s psychologist discouraged her from seeking
22 support at Concord PD regarding her mental health and wellness. Ms. Hendricks paid out of pocket for the
23 help and felt compelled to keep her participation hidden.

24 94. On September 22, 2016, Ms. Hendricks tested for Police Sergeant. She received a low
25 combined score of 67 out of 100. This exam was completely subjective with no clear break down of score
26 or scoring criteria, nor constructive feedback on areas to improve. She was denied a promotion. Ms.
27 Hendricks believes she received a low score for speaking out against gender discrimination and the various
28 forms of retaliation that followed.

1 95. On December 2, 2016, Ms. Hendricks received the first unwanted item, a pair of men’s
2 pants, in her department mailbox. She sent out an email asking if it was accidental or case related. She did
3 not receive a response.

4 96. On December 5, 2016, Ms. Hendricks was served with a negative ‘Employee Discussion.’
5 An IA investigation determined she was never noticed for an accident which occurred on December 6,
6 2015. This negative mark was a year late, not a common occurrence at the department to delay such
7 citations. This followed her formal reports of gender discrimination and retaliation.

8 97. On December 9, 2016, Ms. Hendricks tested for Patrol Corporal. She was offered a
9 promotion, but was held in the Dispatch role until February 12, 2017, long after the new patrol shift started.

10 98. Around January 12, 2017, Ms. Hendricks found an unexpected note in her mailbox from
11 Sergeant Harrison regarding her new assignment. The note included an offer for her to seek guidance from
12 him as needed. This was inconsistent with how he had treated her previously.

13 99. On May 26, 2017, Ms. Hendricks earned her Master of Science degree in Emergency
14 Services Administration from California State University Long Beach. Concord PD was provided with a
15 copy of her degree.

16 100. From September 1, 2017, to September 13, 2017, Ms. Hendricks attended the Police Unity
17 Tour in Israel, as she represented Concord PD. She posted a picture of her trip on social media for
18 fundraising. Her male colleagues made negative comments over her involvement. They stated she was “too
19 cop.” While in Israel, Ms. Hendricks crashed during a mountain bike ride and received stitches.

20 101. On September 14, 2017, Ms. Hendricks returned to work. She found a band-aid in her
21 mailbox, mocking her biking accident. Her boss, Sergeant Steve Price, told her that he had “spies”, in
22 reference to her injury sustained in Israel. Rather than ask Ms. Hendricks if she was okay, he demeaned
23 her. Sergeant Price’s actions and comments made Ms. Hendricks very uncomfortable. It was commonly
24 known that Sergeant Price had a habit of staring at women's breasts while in conversation. Ms. Hendricks
25 experienced this herself. Overall, Sergeant Price had a reputation for perpetuating the sexist, hypersexual,
26 and male dominated environment at Concord PD. She reported the incident to Lieutenant Donnelly in
27 person on October 20, 2017, along with other mailbox items and the harassment she was experiencing. She
28 noted the unprofessionalism and her discomfort. Lieutenant Donnelly did not take her reports seriously.

1 She was provided with less concern than her male colleagues, as he joked about her concerns and hardships.

2 102. On October 6, 2017, Corporal Ross accused Ms. Hendricks of not publicly congratulating
3 a newly promoted colleague, Sergeant Nicholas Boccio. She had congratulated Sergeant Boccio in private
4 prior to the accusation. This served as an example of the power dynamic Corporal Ross had over Ms.
5 Hendricks.

6 103. On October 10, 2017, Ms. Hendricks was penalized for her "Sangria Post" posted on her
7 private social media account. She was informed by Detective Blakely that her post was discussed in
8 briefing with Lieutenant Donnelly and Officer Ramirez on October 13, 2017. Lieutenant Donnelly
9 questioned her about the post. He asserted the post was geared towards her colleagues at Concord PD. As
10 a female officer, Ms. Hendricks was closely monitored and scrutinized.

11 104. On October 20, 2017, Ms. Hendricks continued to be harassed by receiving another
12 unwanted item in her mailbox, a box of tissue. She reported this to Lieutenant Donnelly in person on
13 October 20, 2017. He again dismissed her concerns.

14 105. On October 20, 2017, Ms. Hendricks was summoned to Lieutenant Donnelly's office. He
15 questioned her about multiple issues, including how she allegedly rolled her eyes in briefing at the newly
16 promoted Sergeant Boccio announcement. Lieutenant Donnelly continued to question her about the
17 "Sangria Post." and what she meant by it. She was served with two 'Employee Discussions' at the same
18 time, both negative. One was for rolling her eyes and the other about her patrol rifle being left in her
19 assigned patrol vehicle, which involved Captain James Nakayama. An IT staff member, Ryan Smiley, had
20 worked in her vehicle while Ms. Hendricks was off duty which is likely how her vehicle was left unlocked.
21 However, Lieutenant Donnelly was specifically targeting Ms. Hendricks.

22 106. On October 25, 2017, Ms. Hendricks continued to be harassed. She found a soiled gym
23 towel on top of her patrol vehicle. This vehicle was assigned only to her. Lieutenant Donnelly claimed he
24 looked for video footage but there was an obstruction. She was aware that Sergeant Harrison always carried
25 a towel with him, and he had been working during the timeframes of all the previous unwanted items as
26 well as the towel. She reported the issue, but her male supervisors did not address her concerns.

27 107. On November 16, 2017, Ms. Hendricks found another unwanted item in her mailbox, a
28 Kenny Loggins CD. She reported this to Lieutenant Donnelly. Her reports continued to lack any

1 intervention efforts by Concord PD.

2 108. On November 17, 2017, Ms. Hendricks was summoned to Lieutenant Donnelly's office to
3 discuss her mailbox problem. She had no direct evidence as to who was responsible for leaving unwanted
4 items in her mailbox, but believed it was Sergeant Harrison based on plenty of circumstantial evidence and
5 timing.

6 109. Lieutenant Donnelly minimized Ms. Hendricks' concerns. He played it off as "common for
7 male behavior." He provided her with "options" that offered no viable solution. For one option, Lieutenant
8 Donnelly stated that he could send out an email to the department directly addressing Ms. Hendricks'
9 mailbox concerns. He noted it had been done in the past and it would potentially incite more unwanted
10 items. He assured her that it would only make the issue worse. He swayed her from publicly addressing
11 the issue. For the second option, Lieutenant Donnelly stated that they could do nothing and hopefully it
12 would end on its own. For a third option, Lieutenant Donnelly stated that he could send out a general
13 reminder to everyone with no specific information regarding Ms. Hendricks, about proper use of the
14 mailboxes. Lieutenant Donnelly chose to go with option three, sending out a general reminder with no
15 specifics to Ms. Hendricks.

16 110. In 2017, Ms. Hendricks continued to receive employee performance appraisals. She
17 received 'Meets Standards' as opposed to her typical 'Exceeds Standards.' This change in performance
18 review began after she reported gender discrimination, harassment, and retaliation at Concord PD.

19 111. On January 19, 2018, Ms. Hendricks began a new shift acting as Sergeant for 10 of 13 shifts
20 until Sergeant Kyle Colvin began on February 16, 2018. He was ten years her junior in years as a police
21 officer. Sergeant Colvin also had less than five years of experience in total. He had recently been promoted
22 to Sergeant.

23 112. On March 6, 2018, Officer Tony Killion was selected over Ms. Hendricks for a Provisional
24 Sergeant position. Officer Killion was a male colleague with less tenure and less time on as a Corporal
25 than Ms. Hendricks. It was obvious, based on common practice, that Ms. Hendricks had intentionally been
26 skipped.

27 113. On June 1, 2018, Ms. Hendricks was served with an 'Employee Discussion' for talking
28 about her Sergeant Colvin's gender bias. She had taken on all the responsibilities of Sergeant without the

1 pay and title prior to his assignment to the team. Rather than promote Ms. Hendricks, Concord PD opted
2 for a less tenured and less qualified male officer, Kyle Colvin, as he was friends with Lieutenant Donnelly.
3 Sergeant Colvin seemed set on asserting his authority. Ms. Hendricks made comments about him being
4 promoted and taking an excessive amount of time off. As a form of retaliation, Sergeant Colvin removed
5 Ms. Hendricks' responsibilities from her, informally demoting her. Ms. Hendricks attempted to have her
6 Employee Discussion record amended to accurately reflect the situation. However, she was denied the
7 amendment by Captain John Nunes.

8 114. On September 18, 2018, Sergeant Harrison acted in hostility towards Ms. Hendricks on a
9 "double squad night," meaning two separate teams worked on the same time to meet their required extra
10 10 hours every 28 days cycle. Sergeant Harrison's team worked the weekday graveyard shift and Ms.
11 Hendricks' team worked the weekend graveyard shift then both teams worked patrol at night. As a
12 Corporal, Ms. Hendricks often performed three different job roles. She acted as Sergeant, Corporal, and
13 Patrol Officer. She was in her office working doing paperwork when Sergeant Harrison barged in and
14 blocked the doorway. He yelled and cursed at her. Sergeant Harrison accused Ms. Hendricks of hiding in
15 her office and not getting work done. She felt physically threatened, uncomfortable, and the incident caused
16 her mental distress. She reported the incident to IA, requesting a formal investigation. Her complaint was
17 handled poorly and informally. A memo was drafted, purportedly referring to the whole matter as a "he
18 said, she said" hearsay situation and no further action would be taken. Ms. Hendricks was refused a copy
19 of the memo.

20 115. On September 24, 2018, in retaliation for requesting a formal investigation of the previous
21 incident, Lieutenant Donnelly instructed Sergeant Colvin to remove two hours from Ms. Hendricks'
22 timecard, which she had logged for reporting the event on September 18, 2018. Concord PD never paid
23 her for work-related time.

24 116. On October 8, 2018, Ms. Hendricks was served with a negative 'Employee Performance
25 Appraisal' by Sergeant Colvin, in further retaliation for reporting the event on September 18, 2018. She
26 was marked for "Needs Improvement." in the area of Communication and the event from September 18,
27 2018 with Sergeant Harrison was documented from his perspective only. This resulted in Lieutenant
28 Donnelly choosing to punish her with a temporary loss of Master Peace Officer "MPO" status and pay.

1 MPO is an earned designation after fifteen years of duty plus a minimum of three specialty assignments.
2 Ms. Hendricks was designated FTO, Detective, Corporal, and Dispatcher which came with a significant
3 pay increase. She filed a grievance with Chief Guy Swanger. Although Chief Swanger ended the pay loss
4 period early, as an act of further retaliation, Ms. Hendricks was never repaid the income she lost.

5 117. On October 25, 2018, Ms. Hendricks tested for Violence Suppression Unit Detective. She
6 was denied a promotion despite historically exceeding expectations in her various roles. Concord PD gave
7 no reason or explanation for denying her promotion. Captain Roche selected four males for the role, all
8 with less experience and less tenure at Concord PD. Ms. Hendricks had been informed the oral board panel
9 ranked her as the number one candidate.

10 118. On November 12, 2018, Ms. Hendricks was held over for report writing. This extra time
11 was approved by her direct supervisor, Sergeant Flechsing. Lieutenant Donnelly went out of his way to
12 question Ms. Hendricks on her extra time worked, in spite of not being in her direct chain-of-command.
13 Lieutenant Donnelly questioned Ms. Hendricks not once but twice, working to discredit and undermine
14 her.

15 119. On December 2, 2018, Ms. Hendricks learned of Lieutenant Donnelly's accusation against
16 her. He spread rumors that she was committing timecard fraud. Lieutenant Donnelly made his allegations
17 in a Watch Commander Meeting, sharing with her colleagues and superiors. No formal investigation was
18 conducted but there was also no known action to retract or correct the discrediting of Ms. Hendricks'
19 reputation.

20 120. On December 7 or 15, 2018, Ms. Hendricks received another unwanted item in her mailbox,
21 chocolate coins. She reported the continued harassment to Lieutenant Sam Staten on January 25, 2019, in
22 person and through a formal memo.

23 121. On December 15, 2018, Ms. Hendricks received another unwanted item in her mailbox, a
24 single tootsie roll. She reported the harassment to Lieutenant Staten on January 25, 2019, in person and
25 through a formal memo.

26 122. On January 4, 2019, Ms. Hendricks received another unwanted item in her mailbox, a
27 calendar with "most stolen calendar" imprinted on the front. This was an old calendar from a local tow
28 company. She reported the continued harassment to Lieutenant Staten on January 25, 2019, in person and

1 through a formal memo.

2 123. On January 18, 2019, Ms. Hendricks received another unwanted item in her mailbox, an old
3 training manual for money laundering cases. She reported the continued harassment to Lieutenant Staten
4 on January 25, 2019, in person and through a formal memo.

5 124. On January 25, 2019, Mrs. Hendricks made a formal report of her unwanted mailbox items
6 dating back to 2016. Lieutenant Staten brought up her reports in a Watch Commander Meeting. Lieutenant
7 Donnelly was also at the meeting. Ms. Hendricks stopped receiving unwanted items in her mailbox after
8 Lieutenant Staten publicly addressed the harassment in the management meeting. Concord PD did not
9 conduct any form of investigation into the matter and the responsible party were never identified.

10 125. On May 1, 2019, Ms. Hendricks worked an overtime dayshift. She was on a call involving
11 an elderly woman. The elderly woman was yelling and causing a scene at a bank. She was a petite woman,
12 approximately seventy pounds. The woman did not appear fully coherent. Ms. Hendricks was able to
13 engage the woman and resolved the situation. She decided she didn't need any help on the call. This was
14 a decision well within her authority to make. Then around twenty minutes later, the elderly woman returned
15 to the bank and began yelling again.

16 126. Officer Greg Pardella arrived on the scene to assist with removing the elderly woman from
17 outside the bank. Once outside the bank, Officer Pardella grabbed the woman and she resisted. She kicked
18 Ms. Hendricks in the knee while she resisted Officer Pardella's arrest. The incident was written up.
19 Lieutenant Donnelly was upset that Ms. Hendricks didn't take coverage with her the first time. Lieutenant
20 Donnelly instructed Corporal Michael Jaime, her peer, to write up Ms. Hendricks for officer safety. Ms.
21 Hendricks was served with an 'Employee Discussion.' She felt singled out and again targeted by Lieutenant
22 Donnelly.

23 127. On June 3, 2019, Ms. Hendricks tested for Police Sergeant. She scored an 81 out of 100.
24 There was no clear breakdown or grading scale. She was not provided with specific feedback on areas
25 where she was deficient. The exam was subjective and graded subjectively. Her testing did not result in
26 promotion. The list was extended in 2020.

27 128. On December 21, 2019, Captain James Nakayama adjusted Ms. Hendricks' role scope.
28 After Ms. Hendricks had logged nearly 200 hours in the acting Sergeant role with no additional supervision

1 and without incident, Captain Nakayama removed the job responsibility from her as acting sergeant when
2 her supervisor was off. This was a responsibility and common practice associated with the role of Corporal.
3 Captain Nakayama forced Lieutenant Michael Kindorf to “supervise” Ms. Hendricks, against Lieutenant
4 Kindorf’s own endorsement of Ms. Hendricks’ capabilities and strong work performance. She had
5 successfully performed until Captain Nakayama chose to micromanage and undermine her, without a valid
6 explanation.

7 129. On January 5, 2020, Sergeant Flechsing unexpectedly submitted his two weeks’ notice for
8 retirement. The department was not prepared for him to retire. There is usually notice given well in advance
9 and discussions of replacement occurs during promotions. The natural progression placed Ms. Hendricks
10 to become provisional or permanent Sergeant of the team she was currently helping to oversee.

11 130. Unknown to Ms. Hendricks at the time, Captain Nakayama told Lieutenant Mark Robison,
12 Corporal Ross’s brother-in-law, to conduct a review of Ms. Hendricks’ performance on a 5-month-old call.
13 Captain Nakayama circumvented the standard investigation policies and procedures by requesting
14 Lieutenant Robison write a memo referring to Ms. Hendricks as “failing to supervise” on a call where an
15 officer used excessive force. Ms. Hendricks was never formally noticed about the investigation, the memo,
16 or the fact the memo was later used against her during a Sergeant promotion process. This violated the
17 Peace Officers Bill of Rights. This information was later relayed to Ms. Hendricks by Lieutenant Kindorf.

18 131. On January 11, 2020, Ms. Hendricks received an Employee Performance Appraisal to sign
19 in which Sergeant Scott Flechsing had rated her at ‘Exceeds Standards.’ Lieutenant Kindorf later informed
20 Ms. Hendricks that he was ordered by Captain Nakayama to change the evaluation ratings or provide
21 additional supporting evidence. This was done in efforts to sabotage Ms. Hendricks’ chances of promotion.
22 Lieutenant Kindorf did not agree with the retaliation and instead provided additional examples of Ms.
23 Hendricks’ exemplary performance.

24 132. On January 14, 2020, Concord PD moved Sergeant Summer Galer from her current position
25 and schedule to Ms. Hendricks’ team, replacing Flechsing. This caused a significant hardship for Sergeant
26 Galer, a mother, and denied Ms. Hendricks the promotional opportunity. Lieutenant Kindorf attempted to
27 advocate for Ms. Hendricks to continue supervising the team on a provisional or permanent basis. Captain
28 Nakayama told Lieutenant Kindorf about the memo that Lieutenant Robison wrote. The memo alleged that

1 Ms. Hendricks “failed to supervise.” Lieutenant Kindorf was familiar with the incident detailed in the
2 memo and took no issue regarding Ms. Hendricks’ performance and had not received any formal
3 notification of otherwise.

4 133. Lieutenant Kindorf confronted Captain Nakayama. He stated they should allow Ms.
5 Hendricks to be placed in the role of Sergeant but there was a separate power dynamic happening between
6 Captain Nakayama and Lieutenant Kindorf, which ultimately lead to Lieutenant Kindorf electing to retire.
7 Ms. Hendricks was unaware of this process while it was happening. Later, Lieutenant Kindorf informed
8 her of his actions. She was never formally investigated for this incident. However, only when the
9 promotional opportunity for Ms. Hendricks arose then Captain Nakayama requested for the memo to be
10 written by Lieutenant Robison. Ms. Hendricks now believes this was a messy attempt to tarnish Ms.
11 Hendricks’ stellar work performance in order to justify not promoting her.

12 134. On January 24, 2020, Lieutenant Kindorf provided Ms. Hendricks with the revised
13 employee performance appraisal and a memo detailed the demand by Captain Nakayama to change the
14 document. She was noted as “Exceeds Standard” for her leadership and work habits.

15 135. On February 8, 2020, Ms. Hendricks tested for Patrol Corporal as her current status was
16 expiring before the new chief arrival. Lieutenant Kindorf told Ms. Hendricks that past practice was for one
17 year extension requests to be granted in certain cases. Captain Nakayama denied Ms. Hendricks’ request
18 for an extension. Ms. Hendricks’ salary was impacted by the denial. She had no authority for the experience
19 she held. She was also not provided with the opportunity to demonstrate her leadership ability to the newly
20 appointed Chief Bustillos.

21 136. On March 26, 2020, Ms. Hendricks handled a critical incident on duty involving an infant
22 death. She performed CPR on the infant who had passed. This incident was particularly impactful on Ms.
23 Hendricks. This event was one of many significant contributing factors to her PTSD by surmounting the
24 constant discrimination, harassment, and retaliation that she endured throughout her years at Concord PD.
25 In addition, she was forced to work extended hours, received a high volume of calls, and the COVID-19
26 pandemic was just starting. Ms. Hendricks’ Sergeant, Danielle Cruz, complimented her for her tact and
27 leadership on the call.

28 137. On April 1, 2020, Chief Mark Bustillos began following Chief Swanger’s retirement. It was

1 a common opinion Chief Bustillos never expected he would be Chief of Police. Chief Bustillos said to Ms.
2 Hendricks regarding Concord PD, “What he was sold was not what he experienced.” She said he was given
3 a false impression of Concord PD. He highlighted the disfunction within the department.

4 138. On June 1, 2020, Ms. Hendricks’ salary and role decreased due to “timing out” for Patrol
5 Corporal. She returned back to officer status after completing the Patrol Corporal’s three-year term. Some
6 of her male colleagues previously were able to ask for extended time in the role. She tested for an extension
7 and without explanation was denied. As continued gender discrimination, Ms. Hendricks was not afforded
8 the same opportunities as her male colleagues.

9 139. On June 24, 2020, Ms. Hendricks tested for a Patrol Corporal position. This did not result
10 in promotion based on Captain Nakayama’s gender discrimination and retaliation. Instead, he selected four
11 male candidates. One of the candidates included Brian Tanner, a male with less tenure than Ms. Hendricks.
12 He also previously had Corporal experience like Ms. Hendricks and was afforded the second opportunity
13 while she was not.

14 140. On July 8, 2020, Ms. Hendricks ranked ‘Top 6’ on Sergeant's List. She had an interview
15 with Chief Bustillos. He told Ms. Hendricks that he was extending the eligibility list to January 2021.
16 Doing so allowed her to be eligible for promotions during that time. There was no additional scoring or
17 feedback after the interviews with Chief Bustillos. This process did not result in a promotion despite her
18 being the most qualified and experienced candidate for Patrol Sergeant.

19 141. On July 8, 2020, Chief Bustillos spoke at POA meeting. He announced his extension of the
20 Sergeant Eligibility List to January 2021. This was the second time Mrs. Hendricks heard Chief Bustillos
21 confirm the list extension date.

22 142. On July 10, 2020, Chief Bustillos sent out a department email regarding the extension of
23 the Sergeant Eligibility List to January 2021. He informed all that he took the top six candidates and
24 conducted interviews.

25 143. On July 11, 2020, Ms. Hendricks was informed by Sergeant Millman that Sergeant Harrison
26 was talking in a disparaging manner about Ms. Hendricks to Sergeant Matthew Millman as she walked
27 past them in the backlot of the station. Sergeant Millman told Ms. Hendricks, “Cody definitely does not
28 like you.” He noted that Sergeant Harrison was staring her down.

1 144. On July 16, 2020, Chief Bustillos promoted Officer Ramirez, a male officer, to Sergeant.
2 He had a far lower score than Ms. Hendricks. Officer Ramirez was selected over Ms. Hendricks based on
3 his gender and race, sharing the same Hispanic race as the Chief, rather than skills and ability. Chief
4 Bustillos called Ms. Hendricks to state that she had “a very good chance for the next promotion.”

5 145. On August 6, 2020, Ms. Hendricks heard a rumor from Detective Chris Blakey that she had
6 been disqualified from Sergeant’s Eligibility List. This list documents officers that test for Sergeant and
7 remain eligible for usually a year. Ms. Hendricks made a formal inquiry to assess whether this was true or
8 not. She spoke to Sergeant Millman and Sergeant Cruz about the rumors about her status on the Eligibility
9 List. Ms. Hendricks also contacted IA Sergeant Jason Passama to inquire if there was an investigation on
10 her that she was not noticed about. Sergeant Passama referred her to Captain Nakayama.

11 146. Captain Nakayama ordered Sergeant Cruz, female, and Sergeant Millman, male, to his
12 office. Sergeant Cruz and Sergeant Millman were supportive of Ms. Hendricks. Captain Nakayama ordered
13 Sergeant Cruz and Sergeant Millman to stop talking about the Sergeant List and confirmed Ms. Hendricks
14 was not disqualified from Sergeant List. Captain Nakayama never spoke to Ms. Hendricks directly and she
15 believes Captain Nakayama was trying to prevent any further inquiry because of his secret memo produced
16 by Lieutenant Robison.

17 147. On August 10, 2020, Ms. Hendricks broke down with Sergeant Millman in the backlot over
18 the continued discrimination, harassment, and retaliation. He acknowledged the mistreatment and provided
19 Ms. Hendricks with support. She was overwhelmed and near the end of a shift at the Corporal’s office. Ms.
20 Hendricks had been sent on a domestic call while she was busy writing a report. On her way to the call,
21 she hit the gate and it popped the tire of her police vehicle. Immediately, she reported the accident to
22 Sergeant Millman and their conversation led to the breakdown of emotions by Ms. Hendricks. She was
23 embarrassed, tried to hide her feelings, but did find support with Sergeant Millman even though there was
24 nothing in his power to change the work environment.

25 148. On August 15, 2020, Chief Bustillos announced the promotion of Matt Cain as Sergeant
26 and also expired the Sergeant Eligibility List, in direct conflict of his prior statements. He had extended
27 the list for six months on July 8, 2020. Chief Bustillos promoted the two males around Ms. Hendricks, and
28 then rescinded the promotion list extension.

1 149. On August 20, 2020, Captain James Nakayama, via Lieutenant Robison, announced Officer
2 Michael Jaime to Provisional Sergeant. Ms. Hendricks was overlooked for another opportunity. Officer
3 Jaime was less experienced, less tenured, and not in the recent top six candidate list that had suddenly
4 expired.

5 150. On August 25, 2020, Ms. Hendricks had a private phone call with Lieutenant Kindorf. This
6 was the first disclosure from Lieutenant Kindorf about the ‘secret memo’ ordered by Captain Nakayama
7 and authored by Lieutenant Robison. It was used to not promote Ms. Hendricks back in January 2019 upon
8 the retirement of Sergeant Flechsing.

9 151. On August 25, 2020, Ms. Hendricks had a private phone call with Officer Kristin Kreiger
10 (“Ms. Krieger”). This was Ms. Krieger’s first disclosure of her awareness of conversations regarding
11 intentional efforts to skip Ms. Hendricks for promotional opportunities. Ms. Krieger was promoted very
12 early, allowing her access to Watch Commander Meeting and upper management discussions. She was
13 privy to information that Ms. Hendricks wasn’t. Ms. Hendricks and Ms. Krieger agreed that Concord PD
14 was putting women in situations to fail.

15 152. On August 29, 2020, Ms. Hendricks had a backlot conversation with Lieutenant Staten.
16 This was Lieutenant Staten’s first disclosure that Captain Nakayama inquired with him about Ms.
17 Hendricks’ supervision on the August 2019 incident, regarding the “secret memo.” One of Ms. Hendricks’
18 subordinates, Officer Max Gibbons, used force during a call in August 2019. Lieutenant Staten told Ms.
19 Hendricks that Captain Nakayama propositioned him, as a member of the Use of Force Review Board, to
20 make an evaluation of Ms. Hendricks’ performance as a supervisor well after the board had conducted its
21 formal review of the incident. It was estimated this conversation between Lieutenant Staten and Captain
22 Nakayama had occurred several months after the August 2019 incident, which would fall in line with the
23 January 2020 time period of Flechsing’s retirement. Lieutenant Staten declined to participate as the board
24 had made their determination and what Captain Nakayama was asking him to do was outside the scope of
25 their duties.

26 153. On September 18, 2020, Ms. Hendricks handled two significant investigations during a
27 single shift during the weekend. She requested permission to hold reports in order to thoroughly document
28 the investigations. She was also exhausted and need to return home to be ready for work the next day. Her

1 supervisors, Provisional Sergeant Jaime and Corporal Eduardo Montero, gave Ms. Hendricks verbal praise
2 for her work and permission to hold the reports. However, Captain Nakayama intervened in efforts to get
3 Ms. Hendricks in trouble. He accused her of holding the reports without permission. Ms. Hendricks
4 returned to work early in order to start working on the reports based on the “Captain is pissed” comments
5 she was told by Detective Sergeant Shawn Phalen, Detective Enrique Espino, and Sergeant Paco Ramirez.

6 154. On September 19, 2020, Ms. Hendricks learned from Sergeant Phalen that Captain
7 Nakayama, Captain Roche, and Lieutenant Donnelly were all conversating about how Ms. Hendricks failed
8 to complete the reports and it was holding up the investigation. Again, Ms. Hendricks was forced to come
9 to work early to address their concerns about her holding the reports for one of the investigations.

10 155. On September 19, 2020, Sergeant Ramirez made multiple inquiries about how much longer
11 it would take Ms. Hendricks to complete the report. He harassed her in the Report Writing Room in front
12 of a junior officer. Sergeant Ramirez treated her as if she were a new officer in need of constant oversight
13 while typing a report. His pressure was not helpful but rather it caused her undue panic and stress.

14 156. On September 19, 2020, Ms. Hendricks reported to Provisional Lieutenant Rob Garcia
15 regarding Sergeant Ramirez's actions. Ms. Hendricks broke down in tears as the constant and long-standing
16 history of unfair treatment was overwhelming her. Lieutenant Garcia told Ms. Hendricks that Sergeant
17 Ramirez’s actions were “not personal.” He minimized and dismissed her reports. He added that he needed
18 to defend her to Captain Nakayama due to him being angry about the report not being completed prior to
19 the end of her last shift.

20 157. On September 27, 2020, Sergeant Cain served Ms. Hendricks with Lieutenant Donnelly's
21 write up for report writing issues. Ms. Hendricks received positive feedback and praise for her report
22 writing skills over the course of her entire employment with Concord PD since 2000. However, this was
23 her first time being tied to this kind of oversight. She wrote a short supplemental report to satisfy Lieutenant
24 Donnelly. Ms. Hendricks broke down to Lieutenant Garcia. She mentioned there was long history of
25 reporting discrimination, harassment, and retaliation at Concord PD. Ms. Hendricks’ reports were not
26 investigated. Lieutenant Garcia once again told Ms. Hendricks the criticism from Lieutenant Donnelly was
27 “not personal”.

28 158. On October 9, 2020, Ms. Hendricks received positive feedback regarding a call involving a

1 child with autism. Officer Gibbons sent positive feedback to Sergeant Cain, Ms. Hendricks' supervisor.
2 Officer Gibbons confirmed to Sergeant Cain that she handled the less than routine call very well. He said
3 to Sergeant Cain, "Of all his supervisors, she (Ms. Hendricks) was one of the best." Officer Gibbons also
4 suggested that the BWC footage could be used for training purposes on calls involving persons with autism.
5 This positive praise was never formally documented or acknowledged by Sergeant Cain or Concord PD.
6 Officer Gibbons told Ms. Hendricks about it a few days later.

7 159. On October 16, 2020, Ms. Hendricks tested for Community Impact Team Corporal. There
8 were six candidates, including Ms. Hendricks, and one position was to be filled. She was offered a "second
9 spot" that opened suddenly, resulting in a promotion. She was a secondary option to her male colleague.
10 At this time, it had started to become public knowledge there were a group of female officers pursuing
11 legal action against Concord PD. Ms. Hendricks believed the sudden secondary position was opened up
12 for her specifically due to this newly found public knowledge.

13 160. On October 25, 2020, Ms. Hendricks worked on a domestic violence call. There was zero
14 control or leadership on Sergeant Cain's call. Sergeant Cain made Ms. Hendricks handle the investigation,
15 even though it was not her area of responsibility and at least six other officers had been involved prior to
16 her arrival. He stated that he "knew" she would handle it appropriately, but he provided no leadership.
17 Upon her arrival, there was no control of the scene. The junior officers had been to the house multiple
18 times. Sergeant Cain stood without leading, directing, or engaging with his team despite their struggles.
19 Ms. Hendricks was the only officer that spoke Spanish. She demonstrated her skills and ability to ensure
20 officer safety and took control of the scene. Sergeant Cain forced her to clean up the mess and failed to use
21 the opportunity to teach newer officers how to handle their call.

22 161. On November 8, 2020, Ms. Hendricks handled another critical incident. This call involved
23 an attempted suicide via hanging in a parked vehicle. A young man, her son's age at the time, attempted to
24 commit suicide in his car, parking in an isolated location. Sergeant Cain provided no leadership over this
25 call. Again, Ms. Hendricks led the charge. At this time, officer safety was at an all-time high. She fearlessly
26 pulled the young man out of his car with Officer Gibbons. Sergeant Cain stood there grinning, not leading,
27 and not assisting while Ms. Hendricks tended to the young man who survived. At the conclusion of the
28 call, Sergeant Cain failed to take the opportunity to debrief the incident with the officers. His demeanor

1 was not consistent with the type of call just handled. Ms. Hendricks drove from the scene and had a re-
2 experiencing event of a previous suicide call involving a near decapitation that was never debriefed. She
3 had a severe panic attack and had to pull over. This had never happened to her previously. Concord PD
4 later said in her worker's compensation claim case that Ms. Hendricks was only looking for praise from
5 Sergeant Cain at the conclusion of this call, disregarding the trauma of the experience.

6 162. On November 9, 2020, Sergeant Harrison publicly shamed Ms. Hendricks in his briefing
7 regarding her personal social media post following the previous attempted suicide call. He referred to her
8 as a "sea donkey" a derogatory and offensive term to reference to women. Sergeant Harrison read her
9 social media post out loud during his briefing, mocking and humiliating Ms. Hendricks. The post was raw
10 and vulnerable, and Sergeant Harrison mocked her religious references.

11 163. On November 10, 2020, Ms. Hendricks attended court. Officer Jon Ma disclosed to her that
12 Sergeant Harrison publicly shamed her in front of her colleagues and superiors. Officer Ma informed Ms.
13 Hendricks that Sergeant Harrison called her a "sea donkey." and talked about her social media post. Ms.
14 Hendricks had another panic attack in her car outside the courthouse. It took about twenty minutes on the
15 phone with a friend for Ms. Hendricks to regain her composure enough to leave.

16 164. On November 10, 2020, Ms. Hendricks reported Sergeant Harrison's behavior to
17 Professional Standards Unit (IA) Sergeant Jason Passama. She recorded her statement with his knowledge.
18 Sergeant Passama was supportive of her. Then a month later, it was announced that he was removed from
19 the role and Lieutenant Gartner would be overseeing the investigation, which included the hiring of an
20 outside investigator, Howard Jordan.

21 165. On November 10, 2020, Ms. Hendricks also filed a workers' compensation claim with HR
22 for work-related cumulative stress. The HR representative, Lisa Bartlow, discouraged Ms. Hendricks from
23 filing the claim. She kept questioning, "Are you sure you want to file?" and "This will open up your entire
24 file and medical records."

25 166. On November 10, 2020, Ms. Hendricks' injury and medical leave began.

26 167. On November 11, 2020, Ms. Hendricks had breakfast with Community Service Officer
27 ("CSO") Heather Weston. She disclosed Sergeant Harrison's behavior and efforts to undermine Ms.
28 Hendricks. Officer Weston informed Ms. Hendricks that Sergeant Harrison told Officer Weston that he

1 didn't call her a sea donkey in the briefing and that it was someone else, a direct and blatant untruth.

2 168. On November 20, 2020, Ms. Hendricks had breakfast with Officer Kyle Loo. He also
3 confirmed Sergeant Harrison's mistreatment of Ms. Hendricks. Officer Loo worked on Sergeant Harrison's
4 team. He admitted that he heard the term "sea donkey" in reference to her often.

5 169. On November 20, 2020, Ms. Hendricks was interviewed by investigator Steve Steinhauer,
6 assigned by Sedgwick, previously known as York, regarding her workers' compensation claim. She
7 included testimony about discrimination, harassment, and retaliation by the department.

8 170. On December 10, 2020, Ms. Hendricks participated in an investigative interview with
9 Investigator Jordan regarding her complaints against Sergeant Harrison. Mr. Jordan was hired by Concord
10 PD to conduct the investigative interviews related to the IA complaint about Sergeant Harrison.

11 171. On December 16, 2020, Ms. Hendricks completed an intake psychological assessment with
12 the Trauma and Stress Recovery Center. Her preliminary diagnosis was PTSD, anxiety and depression
13 with panic and insomnia.

14 172. On December 20, 2020, Ms. Hendricks received a letter from Abbie Cohen, a licensed
15 Marriage and Family Therapist, regarding the work-related discrimination, harassment, and retaliation she
16 experienced while under Ms. Cohen's care.

17 173. On December 28, 2020, Ms. Hendricks received a letter from Licensed Marriage and Family
18 Therapist, Jim Wolfe, regarding the work-related discrimination, harassment, and retaliation she
19 experienced while under Mr. Wolfe's care.

20 174. On January 14, 2021, Ms. Hendricks received a letter from Sedgwick to arrange qualified
21 medical exam by Dr. Allen Kipperman. The letter showed Concord PD's defense strategy. Concord PD
22 used Corporal Ross's abuse via disclosing it as an affair between a female employee and a male supervisor
23 to prevent Ms. Hendricks from pursuing her claims following her workers' compensation filing. The
24 department rejected accountability for imposing mental health struggles upon Ms. Hendricks through the
25 various forms of discrimination, harassment, and retaliation experienced throughout her career at Concord
26 PD.

27 175. On January 20, 2021, Ms. Hendricks had her workers' compensation QME Evaluation #1
28 with Dr. Kipperman.

1 176. On February 23, 2021, Ms. Hendricks was involved in an off-duty use of force incident.
2 She aided in containing a shoplifter and followed proper procedure via notifying the on-duty supervisor.

3 177. On March 16, 2021, QME Dr. Kipperman prepared a supplemental report. He reviewed
4 additional medical record history.

5 178. On July 8, 2021, Sergeant Harrison sent an inappropriate meme on an email for shift roster.
6 He was unprofessional and the department allowed his behaviors despite reports. Ms. Hendricks retained
7 a copy of the email as evidence Sergeant Harrison was not restrained in any way following her complaint.

8 179. On July 23, 2021, QME Dr. Kipperman prepared a supplemental report. It covered a review
9 of Ms. Hendricks' comprehensive psychological evaluation by Doctor Rebecca Thompson from February
10 17, 2021.

11 180. On August 4, 2021, Concord PD posted on their social media about women in promotional
12 positions within the department. The promotions were overseen by Captain James Nakayama. He
13 attempted to control the narrative and assert the department was "pro-women."

14 181. On September 9, 2021, Ms. Hendricks discovered her mailbox at the department was
15 removed. At the time, she was still receiving mail as an employee. She was removed without notice despite
16 being still employed with the department.

17 182. On September 23, 2021, Ms. Hendricks participated in her workers' compensation QME
18 Evaluation #2 with Dr. Kipperman.

19 183. On October 21, 2021, Ms. Hendricks participated in her workers' compensation
20 Independent Medical Examination ("IME") with Doctor Judith Keins as requested by Concord PD.

21 184. On November 30, 2021, Concord PD officers were approved for a COVID-19 bonus from
22 the onset of the pandemic in March 2020. Ms. Hendricks had worked full duty from the onset of the
23 pandemic through November 2020. The bonus was only provided to those working the pay period ending
24 in December 2021. The bonus was set to be awarded on December 26, 2021. Concord PD arranged for Ms.
25 Hendricks' retirement date to occur prior to the bonus award date. They intentionally made her ineligible
26 for \$3,400 bonus despite her loyalty and service through the COVID-19 pandemic.

27 185. On December 2, 2021, Ms. Hendricks was granted Industrial Disability Retirement with
28 two-week notice. Ms. Hendricks was shocked, as she did not apply for retirement. Concord PD took the

1 action when they sent the first letter to Dr. Kipperman implying that she was mentally unstable, and they
2 didn't want her to come back.

3 186. On December 10, 2021, Concord PD informed Ms. Hendricks that she was not allowed to
4 retain her duty weapon. Lieutenant Gartner misrepresented the department policy. He implied she retired
5 not in good standing. Concord PD wanted her doctors to answer if she was a danger to herself or to others.
6 They also wanted the doctors to answer if she should be able to retain her duty weapon. Every medical
7 report that addresses Ms. Hendricks ability to carry a firearm or any danger concerns consistently showed
8 there was no evidence to suggest any issues. Ms. Hendricks never harmed herself or anyone. She owns her
9 own firearms. She was told that CA law does not allow her to retain her conceal and carry if retired due to
10 mental health. It was common practice for them to allow male members to retain their duty firearm in
11 situations of medical retirement. Ms. Hendricks was excluded from this standard and tradition practice of
12 gifting the employee their duty weapon due to her gender as a female and in retaliation of her lodged
13 complaints.

14 187. On December 15, 2021, Ms. Hendricks was notified of her IA complaint from November
15 10, 2020, regarding Sergeant Harrison was closed. It was sustained with no further information provided.
16 It took thirteen months to notify Ms. Hendricks of the findings from the date she complained.

17 188. On December 17, 2021, Ms. Hendricks was her last day of employment with Concord PD
18 as she was terminated by being forced into early retirement.

19 189. On May 24, 2022, Ms. Hendricks participated in workers' compensation QME Evaluation
20 #3 with Dr. Kipperman.

21 190. On January 6, 2023, Ms. Hendricks filed a complaint with the Civil Rights Department and
22 obtained her Right to Sue regarding discrimination and retaliation.

23 191. As of result of Defendants' actions, Plaintiff suffered emotionally and psychologically from
24 the discrimination and harassment she experienced by Defendants. As a result of the hostile work
25 environment and discrimination, Plaintiff has suffered embarrassment, humiliation, mental and emotional
26 pain and distress, discomfort, panic attacks, nightmares, significant sleep issues, loss of appetite,
27 hopelessness, and worry about the future. Plaintiff has distanced herself from her husband and children as
28 well as had to seek out her own healthcare in spite of participating in the worker's compensation claim

1 process. Plaintiff has been diagnosed with PTSD, anxiety and depression with panic and insomnia as a
2 result of her experiences and treatment by Defendants. Additionally, Ms. Hendricks relocated her family
3 to avoid constant triggers from remaining in the area where the discrimination and harassment occurred.

4 **B. Plaintiff Beth Long**

5 192. Beth Long (“Long”) is a 43-year-old female who began working for Concord PD in
6 September of 2002 while actively in the Police Academy and was official sworn in as of April 2003.

7 193. Throughout her 20 years in service, Ms. Long has always received “meets standards” or
8 “exceeds standards” in ratings regarding her employment.

9 194. On December 1, 2010, Ms. Long was placed onto modified duty due to her pregnancy. She
10 was assigned to Dispatch until July 2011. At the time, Concord PD had a policy stating that female officers
11 could not work a uniformed assignment after their first trimester. As display by Defendants towards unfair
12 gender treatment, Female officers were assigned to Dispatch for modified duty while male officers on
13 modified duty were not.

14 195. On March 16, 2012, Sergeant Scott Wagner and Captain David Downing informed Ms.
15 Long that she would be permanently assigned to Dispatch, essentially demoted in role scope.

16 196. On March 18, 2012, Ms. Long submitted a memo to Captain Downing to express her
17 concerns over being assigned to Dispatch. She was not placed in Dispatch after communicating her
18 concerns about being limited to the Dispatch role.

19 197. On January 12, 2015, Ms. Long obtained a Financial Crimes Detective position. She
20 obtained a more advanced role based on her skills and abilities.

21 198. On August 5, 2015, Ms. Long interviewed for Sergeant. She tested for the role and received
22 a low score of a 62% from her male superiors. Chief Guy Swanger, Captain Garrett Voerge, Captain
23 William Roche, and Sergeant Daniel Siri were in charge of the promotion process, all male superiors. The
24 exam and grading were very subjective. There was no clear grading structure or criteria nor explanation
25 for the low grade.

26 199. On August 31, 2015, Ms. Long interviewed for a Patrol Corporal role. She obtained the
27 position and began on September 28, 2015. She received positive feedback in her new role.

28 200. On January 4, 2016, Ms. Long served in a Provisional Sergeant position for a weekend

1 graveyard shift. The role lasted for eight weeks, all graveyard shifts. She received positive feedback for
2 her performance in the role. Lieutenant Sean Donnelly wrote Ms. Long a letter of recognition.

3 201. On April 3, 2016, Ms. Long fractured her arm while off duty. She was placed on modified
4 duty at the front desk.

5 202. On May 24, 2016, Ms. Long graduated from the Inner Perspective Leadership course. It
6 was customary for a representative from the department to attend the graduation. She was not given the
7 same recognition or support offered to her male colleagues that graduated from the course. Ms. Long
8 emailed Lieutenant Daniel Montgomery from the Berkeley Police Department to inquire why no one was
9 present from Concord PD for her graduation. Lieutenant Montgomery informed her that the invitation was
10 mailed to the Concord Police Department.

11 203. On May 26, 2016, Ms. Long met with Captain Voerge to inquire about her graduation. He
12 informed her that no one was made aware of her graduation. He quickly dismissed her concern of not
13 feeling supported by Concord PD and acted irritated by her inquiry.

14 204. A couple of years later, Officer Mark Evans told Ms. Long that he overheard the all-male
15 Administration team joking about Ms. Long's concern over lack of support at her graduation during
16 firearms qualification. Concord PD's Administration team consisted of Captain Voerge, Captain Roche,
17 and Chief Swanger.

18 205. On June 6, 2016, Ms. Long's mother, Deborah Long ("Mrs. Long"), attended a Mayor's
19 Conference. Chief Swanger sat with Mrs. Long. During the conference, he commented to Mrs. Long about
20 the possibility of Ms. Long's arm injury being career ending. Mrs. Long replied to Chief Swanger that
21 Concord PD should be "taking care of their employees."

22 206. A few months later, Captain Dan Siri told Ms. Long that Chief Swanger talked about her
23 mother's comment during a meeting. Chief Swanger was upset over Mrs. Long's comment. He expressed
24 his frustrations by questioning how her mother could make that comment to him after "everything I did for
25 her." He attributed Ms. Long's success at Concord PD to be from his support of her as if it was a choice
26 rather than an obligation.

27 207. On June 30, 2016, Captain Voerge met with the Concord Police Officer's Association
28 ("POA") to discuss placing officers in Dispatch. Officer and POA President Ron Bruckert emailed Captain

1 Voerge to inquire how Concord PD decided on which officers were placed in the Dispatch role during
2 staffing shortages. He was concerned of gender bias as female officers were exclusively and repeatedly
3 being placed in the role. Officer Bruckert forwarded the email to Officer Amy Hendricks and Ms. Long as
4 they were being assigned to Dispatch.

5 208. On July 8, 2016, Captain Voerge informed Ms. Long that she would be transferred to
6 Dispatch.

7 209. On July 13, 2016, Ms. Long and Mrs. Hendricks met with the POA to discuss how it was
8 decided who was going to be assigned to Dispatch. They noticed there were other male and female officers
9 who were Dispatch trained. At the time, all of the males who were trained decided to do so as a means to
10 make additional overtime. Ms. Long and Mrs. Hendricks and the POA also discussed working conditions
11 such as concerns with time off, seniority, and mandatory overtime. They were advised to email the Dispatch
12 Supervisor, Tamra Roberts.

13 210. On July 27, 2016, Ms. Long emailed the Dispatch Supervisor, Sergeant Tamra Roberts,
14 about the start date in Dispatch. She was informed that October 11, 2016, was the decided date.

15 211. On August 22, 2016, Ms. Long sent an email to Dispatch Supervisor, Sergeant Tamra
16 Roberts regarding questions about working conditions and expectations in the Dispatch role. She included
17 Officer Hendricks on the email thread. Ms. Long questioned about how the Dispatch role would limit their
18 training, benefits, and career opportunities at Concord PD.

19 212. On September 13, 2016, Sergeant Roberts responded to Ms. Long's concerns.

20 213. On September 22, 2016, Ms. Long tested for Sergeant. She tested for the role and received
21 another low score, lower than her first attempt. She received a 61% from her male superiors: Chief
22 Swanger, Captain Voerge, Captain Roche, and Sergeant Siri. Ms. Long felt her performance was deserving
23 of a higher score.

24 214. On October 11, 2016, Ms. Long was assigned to Dispatch.

25 215. On November 9, 2016, Ms. Long received an unwanted item in her work mailbox. She
26 received a document that stated, "We are watching." The documents were about Captain Voerge and
27 Captain Roche with article stating they should be "Brady Officers." Ms. Long reported the documents to
28 Internal Affairs Sergeant, Ken Carlson. Sergeant Carlson took the originals. He provided Ms. Long with

1 copies of the documents. Sergeant Carlson informed Ms. Long that another member of the City Council
2 was sent the same documents.

3 216. On January 26, 2017, Sergeant Roberts sent an email to the entire Dispatch center. She
4 addressed the tension and anger from the Communications Center towards the Dispatch employees. She
5 addressed the need for atmospheric change in the role. Ms. Long was subjected to poor working conditions
6 despite not being involved in the issues.

7 217. On January 26, 2017, Ms. Long interviewed for Community Impact Corporal. She was
8 denied a promotional opportunity despite her qualifications. Kenny Trimble was the only other officer
9 interested in the assignment. Officer Trimble had just returned to work after being placed on administrative
10 leave for six months following an Internal Affairs investigation. He lost his previous assignment in the
11 Motors department as a result of investigation as allegations were sustained. Captain Roche selected Mr.
12 Trimble for the role despite the fact that Ms. Long was far more qualified. In addition, she had never had
13 any disciplinary issues at Concord PD.

14 218. On May 25, 2017, Ms. Long interviewed for Community Impact Corporal. She was denied
15 a promotion opportunity at her second attempt. There were three individuals that applied for the role.
16 Officer Brian Tanner was selected for the role. At the time, Tanner was involved in an off duty incident
17 that hindered his career. This was his first-time expressing interest for the assignment. Captain Roche
18 selected Tanner for the role to appease him. Ms. Long was passed up for promotional opportunities based
19 on her gender identity.

20 219. On December 4, 2017, Ms. Long returned to Patrol as a Corporal officer.

21 220. On January 8, 2018, Ms. Long tested for Sergeant. She was denied a promotional
22 opportunity again. Chief Swanger, Captain Voerge, and Captain Roche were in charge of the promotional
23 process, all male superiors. She received a low score of 67%. She received with no explanation for the low
24 score. She believed her performance deserved a much higher score. Ms. Long was also not provided with
25 any constructive feedback. Instead, the all-male team selected less qualified male officers.

26 221. On January 30, 2018, Ms. Long met with Lieutenant Mike Kindorf about her external
27 interview for Sergeant as he was present. Lieutenant Kindorf said he thought Ms. Long did extremely well.
28 He confirmed she was very prepared as they were the same questions from the prior year.

1 222. On November 1, 2018, Ms. Long applied for Major Crimes Unit role. Only three officers
2 applied for the promotion, one of the other applications being Ms. Hendricks. Captain Roche was in charge
3 of the promotional process. Shortly after expressing interest, she received an email confirming the
4 department would not be testing for the position.

5 223. Approximately one to two months later, the Major Crimes Unit role was reposted. Several
6 officers submitted applications. After constantly being denied for promotions, Ms. Long felt discouraged
7 so she didn't apply for promotion. It was clear to her the department was not happy with the original three
8 applicants, two of which were women.

9 224. On November 9, 2018, Ms. Long tested for a Special Victim's Unit role. She was denied
10 the promotional opportunity despite her qualifications and performance. In fact, this was her fourth time
11 attempting this position. Sergeant Christine Magley, a female Sergeant, participated in the promotional
12 process. Captain Roche selected two colleagues with less tenure, less qualifications, and performance
13 issues.

14 225. Later, Ms. Long met with Sergeant Magley to ask about her interview. She communicated
15 to Ms. Long that she "couldn't have done better." She also informed Ms. Long that Ms. Long's male
16 manager asked Sergeant Magley, "Are you going to be able to control her?"

17 226. On June 24, 2019, Ms. Long tested for Sergeant. She was denied a promotional opportunity.
18 Chief Swanger, Captain Voerge, and Captain Roche were in charge of the promotional process. Again, she
19 scored a 67%. Her score continued to not align with her demonstrated skills and overall performance.

20 227. On July 28, 2019, Ms. Long interviewed for Community Service Desk Corporal. She was
21 denied a promotional opportunity. Sergeant Summer

22 228. Galer and Lieutenant Donnelly were in charge of the promotional process. Five officers
23 applied for the position. Ms. Long was passed up for Officer David Petty, a less tenure and less experienced
24 colleague that she had trained. Ms. Long was also performing duties that fell under that position. Captain
25 Voerge made ultimate selection.

26 229. On December 28, 2019, Ms. Long interviewed for Special Victim's Detective. She was
27 denied a promotional opportunity. It was her fifth time applying for this position. Captain Roche was in
28 charge of the promotional process. Ms. Long was the most qualified candidate, yet Captain Roche selected

1 Shasta Vanetti and Nicholas Davison for the role. Ms. Long spoke to Sergeant Shawn Phalen who was on
2 the panel. He said, “You did great and there was nothing you could have done differently.”

3 230. On or around July 1, 2020, Ms. Long tested for Sergeant again. Chief Mark Bustillos created
4 a list of potential candidates and selected Ms. Long as one of the candidates. Ms. Long received a call from
5 Chief Bustillos's secretary, Sara Weller, who informed Ms. Long that she had been selected to interview
6 for the Sergeant position. Chief Bustillos was in charge of promoting two Sergeants. Even yet, Ms. Long
7 received another alarmingly low score of 69% with no explanation. Her score did not reflect her
8 demonstrated skills and performance.

9 231. On July 6, 2020, Ms. Long went to the doctor and confirmed her pregnancy.

10 232. On July 7, 2020, Ms. Long met with Chief Bustillos at her request. She informed him that
11 she was pregnant. Chief Bustillos informed Ms. Long that he would still consider her for the Sergeant
12 position.

13 233. On July 9, 2020, Ms. Long emailed Sergeant Ross to inform him about her pregnancy. She
14 provided him with a doctor's note to request modified duty.

15 234. On July 9, 2020, Ms. Long interviewed one-on-one with Chief Bustillos for the Sergeant
16 role.

17 235. During her interview with Chief Bustillos, Ms. Long disclosed that she felt marginalized
18 when she was assigned to Dispatch. She noted that she received “Exceeds Standards” for several categories
19 on her evaluation. Ms. Long performed to the best of her abilities with a good attitude. Chief Bustillos
20 was surprised to learn that she was assigned to Dispatch for so long. He asked if she made any complaints
21 with HR or POA. Ms. Long informed Chief Bustillos that she had made inquiries.

22 236. As a form of retaliation for her complaints against gender discrimination, Ms. Long was not
23 selected for one of the two Sergeant positions, despite being a qualified candidate based on her
24 demonstrated skills, ability, and overall performance. She was denied a promotional opportunity.

25 237. On July 15, 2020, Lieutenant Nick Gartner emailed Ms. Long a memo regarding her
26 modified duty. She was scheduled to work from Monday to Friday from 8:00 AM until 5:00 PM. Ms. Long
27 found it odd as officers were not scheduled for five days during the week as Concord PD did not schedule
28 officers for more than four days.

1 238. Prior to her pregnancy, Ms. Long was scheduled to work three days, Friday to Sunday. She
2 picked that shift for her son who was distance learning and needed her home during the week. At the same
3 time, Concord PD allowed male officers on modified duty to work their normal shift which included
4 weekends and different hours.

5 239. Concord PD's Memorandum of Understanding ("MOU") stated officers work either four
6 10-hour shifts or three 12.5 hours shifts with a ten hour make up day a week. Officers do not work five
7 days a week. Suddenly, a pregnant female officer was being forced to work five days a week.

8 240. On July 15, 2020, Ms. Long spoke with Sergeant Kevin Halm about working the weekends.
9 Sergeant Halm informed Ms. Long that Sergeant Gartner would not allow Ms. Long to work weekend
10 shifts. She asked Sergeant Halm if she could work Wednesday to Saturday from 8:00 AM until 5:00 PM.
11 Sergeant Halm confirmed he would do his best to try and work with her.

12 241. On July 20, 2020, Sergeant Halm called Ms. Long. He asked why she was not at work.
13 Sergeant Halm informed her that he told Sergeant Gartner that she did not work on Mondays. Then
14 Sergeant Gartner informed Sergeant Halm that Ms. Long was scheduled to work Monday to Friday, with
15 an hour unpaid lunch.

16 242. On July 20, 2020, Ms. Long called the POA President, Joe Higby. She informed Officer
17 Higby about the imposed five days during the week scheduling with an hour unpaid lunch. He worked at
18 Concord PD for over twenty-five years. During his employment, he was never made aware of any officer
19 working over five days a week or having an unpaid lunch. Ms. Long asked if he would be willing to grieve
20 on her behalf. Officer Higby confirmed he would do so.

21 243. On July 22, 2020, Lieutenant Gartner emailed Ms. Long a memo. The memo confirmed she
22 would be working Monday to Friday on modified duty. Ms. Long brought the memo to Sergeant Halm. He
23 did not agree with Lieutenant Gartner's memo. Sergeant Halm attempted to address the issue with
24 Lieutenant Gartner. As a result, Lieutenant Gartner became upset and stopped speaking with Sergeant
25 Halm for several weeks.

26 244. On July 22, 2020, Lieutenant Sean Donnelly sent an email to "All Police Personnel"
27 regarding Community Service Desk ("CSD") and Ms. Long's five-day work schedule. He mentioned her
28 "modified duty" status and stated her Monday to Friday work schedule. Ms. Long received over ten text

1 messages questioning her five-day-a-week schedule. It appeared Ms. Long was being punished by
2 Lieutenant Gartner for her pregnancy.

3 245. On July 22, 2020, Lieutenant Gartner called Ms. Long. He left a voicemail regarding her
4 concerns expressed to Sergeant Halm. Ms. Long did not call him back. Instead, she opted to respond with
5 a written memo.

6 246. On July 23, 2020, Ms. Long sent a memo to Lieutenant Gartner questioning her five-day
7 schedule without a paid lunch break. Officers would get a paid lunch, yet Ms. Long was not after disclosing
8 her pregnancy. In her memo, she stated that she never heard of an officer working five days during a week
9 without a paid lunch break. She requested to stay on her Friday to Sunday shift as it was common practice
10 to approve shift requests. Ms. Long also documented how his treatment towards her was negatively
11 impacting her physical and emotional health during a time that she was pregnant.

12 247. On July 24, 2020, Lieutenant Gartner emailed Ms. Long. He informed her that she had to
13 work five days a week with no telecommute on days she did not have childcare. Lieutenant Gartner had
14 allowed Ms. Long's male colleagues to telecommute and accommodated to their requests.

15 248. In fact, Lieutenant Gartner was telecommuting as were several admin and non-sworn
16 positions.

17 249. At some point, all Detectives were working a modified telecommute and in person work
18 schedule. Detectives and Officers were in the same classification.

19 250. On July 29, 2020, Lieutenant Gartner emailed Ms. Long to question if she spoke to HR
20 about her concerns. She informed him that the POA would be meeting with Chief Bustillos regarding her
21 schedule.

22 251. On August 3, 2020, Sergeant Halm called Ms. Long to inform her that Lieutenant Gartner
23 was upset as Ms. Long planned to take her vacation. She was scheduled to leave on August 4, 2020.
24 Lieutenant Gartner instructed Sergeant Halm to write up Ms. Long. She informed Halm that she had
25 informed him about her vacation, and it was approved prior to her pregnancy. Sergeant Halm confirmed
26 her vacation was approved and added to the department's scheduling system prior to her pregnancy. Ms.
27 Long sent a follow up email after her call with Sergeant Halm. Ms. Long was not written up.

28 252. On August 6, 2020, Ms. Long received a memo from Sergeant Halm. The memo approved

1 her four-day work week. The POA, Officer Joe Higby and Office Paul Vandiver, met with the Chief
2 Bustillos to discuss Ms. Long's concerns on her behalf.

3 253. On August 14, 2020, Captain Roche approached Ms. Long in her designated workplace. As
4 he wiped down the door handle, Captain Roche informed Ms. Long that there were five detectives in the
5 same unit who tested positive for COVID-19. The exposed detectives were allowed to telecommute. As a
6 result, all detectives were allowed to work hybrid, both telecommute and in person to lessen the risk of
7 possible exposure.

8 254. On August 18, 2020, Ms. Long emailed Chief Bustillos a memo addressed to Lieutenant
9 Gartner to request telecommute to lessen her exposure to COVID-19 during her high-risk pregnancy. She
10 confirmed other groups were able to telecommute. Concord PD's detectives, administrative staff,
11 Lieutenant Gartner and Captain Voerge were telecommuting. Later, as another form of retaliation, they
12 requested Ms. Long undergo an Interactive Disability Hearing to see if they could accommodate her
13 request.

14 255. On August 20, 2020, Ms. Long noticed a strong smell of smoke in the building. She texted
15 Lieutenant Roberts about the smell in her workspace. She approached Ms. Long's workspace. She agreed
16 with smell and pointed out that Ms. Long's eyes were red. Lieutenant Roberts instructed Ms. Long to work
17 the rest of her shift from home. Ms. Long started to cry as she finally felt heard.

18 256. About twenty minutes after arriving home, Lieutenant Roberts called Ms. Long to inform
19 her that Lieutenant Gartner stated she did not have the authority to send Ms. Long to work from home.
20 Lieutenant Gartner instructed Lieutenant Roberts to demand Ms. Long return to the office. Ms. Long asked
21 if Lieutenant Gartner was physically at the office and able to realize how bad the smoke was. Lieutenant
22 Roberts confirmed Lieutenant Gartner was not at the office. Ms. Long told Lieutenant Roberts that she
23 would be calling the POA. Lieutenant Roberts encouraged Ms. Long to contact the POA about the matter.

24 257. Later, POA President Higby contacted Administration. Officer Higby sent out an email
25 requesting Ms. Long either be allowed to work from home or be paid regardless. He did not allow her to
26 work even though she had the ability to do so. However, the Chief and Captains agreed that she would be
27 paid for the day since Lieutenant Roberts authorized her to work from home.

28 258. On August 21, 2020, Ms. Long received an email from Lisa Bartlow, HR, regarding an

1 Interactive Disability Memo. HR set an Interactive Disability meeting in response to her memo requesting
2 to telecommute.

3 259. On August 25, 2020, Ms. Long attended her Interactive Disability Hearing. Lieutenant Nick
4 Gartner, Lieutenant Tamra Roberts, Concord PD's HR representative Lisa Bartow, third party HR
5 representative Roberta Etcheverry, and POA President Joe Higby attended the meeting. Ms. Long
6 questioned why her request had been turned into a disability matter. She stated she was not disabled and
7 wanted to be treated the same as everyone else. Officer Higby asked Lieutenant Roberts if there was
8 anything job related that Ms. Long couldn't accomplish at home and she said, "No." Lieutenant Gartner
9 interjected and stated Ms. Long wouldn't be supervised if allowed to work from home. Lieutenant Gartner
10 suggested Ms. Long wear a mask and place signs outside of her workspace for others not to enter. Ms.
11 Long expressed her discomfort with the proposal.

12 260. On August 25, 2020, Sergeant Greg Rodriguez placed signs outside of Ms. Long's
13 workspace, informing others not to enter. Lieutenant Gartner instructed Sergeant Rodriguez to post the
14 signs outside of five doors surrounding her office space. This occurred within thirty minutes after the
15 disability hearing. Ms. Long informed Sergeant Rodriguez that she did not want the signs. Sergeant
16 Rodriguez informed her that he was just doing what he was told.

17 261. On August 26, 2020, Concord's HR representative, Lisa Bartlow, emailed Ms. Long forms
18 for her doctor to complete regarding her disability. Ms. Long's doctor confirmed that Ms. Long was not
19 disabled, and the form was not applicable.

20 262. On August 26, 2020, Ms. Long printed an email to the Major Crimes Unit printer by
21 accident. As she went to retrieve the printed email, Detective Chris Blakely questioned Ms. Long about all
22 the signs of her doors.

23 263. Ms. Long was notified by Detective Blakely that Lieutenant Donnelly sent out an email by
24 to all detectives regarding Ms. Long's workspace protocol. The detectives were instructed to vacate the
25 premises via proper protocol. Detective Blakely informed Ms. Long that the detectives were not allowed
26 in her workspace. Detective Blakely and the other detectives interpreted the protocol as not being able to
27 interact with Ms. Long. Ms. Long started to cry during her conversation with Blakely. She was being
28 isolated from her colleagues.

1 264. Ms. Long asked Detective Blakely’s supervisor, Greg Mahan, if Blakely and her could
2 speak in private so he could provide her with Peer Support. Provisional Sergeant Mahan stated that he did
3 not have the authority to authorize the Peer Support. However, Peer Support was not something that ever
4 had to be authorized.

5 265. Later, Ms. Long was harshly reprimanded for her interaction with Detective Blakely.

6 266. On August 28, 2020, Ms. Long had a conversation with Officer Zerina Redzic during her
7 lunch break. She told her about the signs and the directive to detectives not to interact with her. Officer
8 Redzic and Ms. Long spoke about other issues at Concord PD.

9 267. On September 1, 2020, Ms. Long was reprimanded by Lieutenant Roberts and Sergeant
10 Josh Graham for speaking with her colleagues in person. They entered her workspace to discuss two
11 separate interactions with her coworkers, Detective Blakely and Detective Redzic. Captain James
12 Nakayama directed Lieutenant Roberts to speak with Ms. Long as he had seen her talking to her coworkers.
13 Ms. Long informed Lieutenant Roberts that she was unaware that she wasn't allowed to have contact with
14 other officers. Ms. Long confirmed that she practiced proper protocol of wearing a mask, keeping distance
15 and being outside. Ms. Long restated her discomfort with the signs Lieutenant Gartner had Sergeant
16 Rodriguez place outside her workspace. She confirmed expressing this concern during the interactive
17 disability meeting. Ms. Long began to cry during their conversation.

18 268. On September 2, 2020, Lieutenant Roberts emailed Ms. Long about workplace directives
19 after their conversation. The email covered various directives in her modified duty instructions. Ms. Long
20 responded that she was following her directions. She also asked for clarifications regarding “time limit
21 when speaking to others” and “prohibited areas in the police department.” Ms. Long also documented that
22 she never asked for the signage outside of her workspace.

23 269. On September 2, 2020, Lieutenant Roberts texted Ms. Long to request a phone call. Ms.
24 Long informed her that she was off and asked if the call could wait until the next day. She asked if
25 Lieutenant Roberts could provide her with something in writing, so she knew what her expectations were.
26 Lieutenant Roberts responded, “I can't provide any additional written expectations other than what I sent
27 yesterday.”

28 270. On September 15, 2020, Ms. Long emailed HR, Lisa Bartlow, a doctor’s note confirming

1 that she was not disabled and experiencing a negative work environment. She stated the negative working
2 conditions and requested the same treatment given to other officers. Ms. Long asked HR for assistance in
3 resolving the issues. Ms. Bartlow stated she would be in touch.

4 271. On September 18, 2020, Ms. Long received a memo from Lieutenant Gartner regarding
5 modified duty would be accommodated. The memo confirmed the signs were to remain in place and no
6 one would be allowed to enter her “large private workspace.”

7 272. Lieutenant Gartner also stated Ms. Long made an “official request to a supervisor outside
8 of her chain of command to allow visitation to your private space by other employees.” This referred when
9 Officer Blakely provided Ms. Long with “Peer Support” and Ms. Long asked Officer Mahan if Officer
10 Blakely was allowed to enter Ms. Long’s work area so they could talk in private.

11 273. The Peer Support program did not require supervisor approval. It allowed officers to confide
12 in each other about various work issues relating to gender discrimination and retaliation. The Peer Supports
13 are meant to ensure officer mental health. However, in retaliation, Lieutenant Gartner stated Ms. Long’s
14 meeting with Officer Blakely was “not prudent.”

15 274. On October 2, 2020, Lieutenant Sam Staten removed Ms. Long’s social media assignment
16 and did not allow her to collect overtime. He sent Ms. Long a text message which stated she could not do
17 social media while off duty. Ms. Long had been on the department’s social media team for two years. She
18 was responsible for approximately 75% of the content. Out of the blue, Lieutenant Staten texted Ms. Long
19 instructing her to cut back on overtime and time spent on posting content.

20 275. In December 2020, Ms. Long learned about five male officers worked on a Christmas video
21 which totaled to approximately eighty hours of overtime. The group of all male officers included Officer
22 Jeff Sherwin, Officer Nick Brys, Officer Bryan Franks, Officer Chris Blakely, and Officer Mark Evans.

23 276. On November 20, 2020, Ms. Long had her last day before taking her maternity leave. She
24 gave birth on November 23, 2020.

25 277. On May 7, 2021, Ms. Long returned to Concord PD from maternity leave. She was assigned
26 for patrol on Friday to Sunday from 6:30 AM until 7:00 PM.

27 278. On May 21, 2021, Ms. Long applied for Special Victim Unit's (“SVU”) Detective (6th) and
28 Community Impact Corporal (“CIU”) (3rd).

1 279. On June 9, 2021, Ms. Long interviewed for SVU and Concord’s Investigations Unit
2 (“CIU”). Ms. Long was denied for SVU but was selected for CIU Corporal.

3 280. On July 12, 2021, Ms. Long started a CIU Corporal position.

4 281. On August 23, 2021, Ms. Long sustained a knee injury while on duty. She was later
5 diagnosed with a torn anterior cruciate ligament (“ACL”).

6 282. On October 19, 2021, Ms. Long was written off work for an injury sustained at work. She
7 was scheduled for ACL surgery on January 7, 2022.

8 283. On October 10, 2022, Ms. Long returned to work on modified duty.

9 284. On October 11, 2022, Ms. Long filed a complaint with the Civil Rights Department and
10 obtained her Right to Sue regarding continued discrimination and retaliation.

11 285. On January 9, 2023, Ms. Long returned to full duty in CIU Corporal.

12 286. In January or February 2023, Lieutenant Roberts informed Ms. Long that Lieutenant
13 Gartner wanted Lieutenant Roberts to write up Ms. Long for talking to others and being outside of her
14 workspace regarding the incidents that occurred in 2020. Lieutenant Roberts refused to do so since it was
15 known a group of male detectives were riding in a car together without masks. These male detectives
16 contracted COVID-19 and none of them were written up. In fact, these male officers were allowed to work
17 from home when they tested positive.

18 287. On February 20, 2023, Ms. Long began in a provisional CIU Sergeant role, as one of the
19 Sergeants was injured, for the Community Impact Unit. Lieutenant Robison offered the position to her
20 without her asking. Ms. Long was constantly praised for her performance by administration, city council,
21 and community members. In fact, based on information and belief, the general consensus is that when Ms.
22 Long next applies for the Sergeant position, she would be one of the first, if not first, promoted.

23 288. However, on September 26, 2023, Ms. Long was notified that she was a subject of an
24 investigation surrounding a complaint with all women officers. Ms. Long has not worked on a squad with
25 any of the listed women nor has she been on any calls for service with them. Based on information and
26 belief, Ms. Long continues to face retaliation for filing with the Civil Rights Department and her pending
27 lawsuit. Having an investigation looming over her, Ms. Long would no longer be considered for the
28 Sergeant position.

1 289. As of result of Defendants' actions, Plaintiff suffered emotionally and psychologically from
2 the discrimination and harassment she experienced by Defendants. As a result of the hostile work
3 environment and discrimination, Plaintiff has suffered embarrassment, humiliation, mental and emotional
4 pain and distress and discomfort. Additionally, Plaintiff experienced and continues to experience
5 sleeplessness, tightening of her chest, stomach pain, anxiety, panic attacks, depression and would
6 frequently cry. Throughout her pregnancy, Plaintiff was prescribed blood pressure medication to maintain
7 safe levels of blood pressure due to the poor treatment she was receiving at her workplace. Plaintiff's
8 family live was adversely affected as she became hyper focused on her treatment in the workplace and
9 experienced being short tempered with her family and friends as well as being less attentive and pulling
10 away from those around her.

11 **C. Plaintiff Harley Valadez**

12 290. Harley Valadez ("Valadez") is a 27-year-old female who began working at Concord PD in
13 May 2020 as a Police Officer until her wrongful termination in January of 2022.

14 291. At the beginning of her employment, on or around May 1, 2020, Ms. Valadez was on field
15 training with Corporal Beth Long. During Ms. Valadez's first phase of training, Lieutenant Greg Rodriguez
16 told Ms. Long that Ms. Valadez was "not going to go far at Concord." However, Ms. Valadez didn't have
17 any issues leading up to his comment or issues in her Daily Observation Report. Ms. Long ensured Ms.
18 Valadez that she was doing well in training. Ms. Valadez had only been on field training for less than a
19 month when Defendants began discriminating against her gender.

20 292. In November 2020, Ms. Valadez got into a physical altercation with a person in Concord
21 Police's jail. On a later date, at a briefing, Sergeant Cody Harrison spoke negatively about the fight
22 involving Ms. Valadez, also making comments about Corporal Amy Hendricks and her mental state. As
23 continued gender discrimination, Defendants' Internal Affairs ("IA") department began to harass Ms.
24 Valadez and Ms. Hendricks after Sergeant Harrison's comments.

25 293. As part of the IA investigation, Sergeant Jason Passama interviewed Ms. Hendricks and
26 other involved officers. During her interview, Ms. Hendricks attempted to bring up comments made about
27 Ms. Valadez, but Sergeant Passama did not let Ms. Hendricks express her concerns. Sergeant Passama
28 asserted that he was only focused on Ms. Hendricks. These comments were recorded during the IA

1 interview. As a form of discrimination, Concord PD excluded Ms. Valadez from the investigations despite
2 being mentioned and Ms. Hendricks attempting to make comments to include her. Ms. Valadez was made
3 aware of the IA investigations months later.

4 294. On February 1, 2021, Ms. Valadez contracted COVID-19 while on duty. She was
5 hospitalized due to COVID-19 related symptoms. Sergeant Chris Souza informed Ms. Valadez that she
6 could use her paid time off (“PTO”) which she was off work for four weeks due to health complications.
7 However, Concord PD forced Ms. Valadez to return to work after four weeks. Ms. Valadez attempted to
8 explain to Sergeant Souza that she had major joint pain which made it difficult for her to stand or walk.
9 Mrs. Valadez asked Sergeant Souza multiple times what her options were as PTO was no longer available.
10 As a form of discrimination, she was not given the option to work on modified duty despite her symptoms.

11 295. On March 1, 2021, Detective Chris Blakely informed Ms. Valadez that a few detectives
12 asked to donate their compensation time to Ms. Valadez so she could heal while she was out with COVID-
13 19. This was a customary practice at Concord PD for employees to donate their time to help fellow
14 coworkers. However, as continued discrimination, Concord PD denied anyone donating time to Ms.
15 Valadez.

16 296. On March 1, 2021, Ms. Valadez was in significant pain when she returned to work from
17 COVID-19. Sergeant James Nielson told Ms. Valadez that she should have been placed on modified duty
18 as were other officers that were injured. Ms. Valadez informed Sergeant Nielson that she asked Sergeant
19 Souza about her leave options, and he said she could come to work or stay home unpaid. At the same time,
20 Concord PD allowed male officers to remain on modified duty for extended amounts of time for injuries
21 of varying degrees which included injuries obtained not on duty, show casing Defendants’ animus
22 approach toward gender.

23 297. On March 21, 2021, Sergeant Souza called Ms. Valadez into his office. He informed her
24 that he received multiple complaints from people on the squad about her “attitude.” He stated that her male
25 colleagues were complaining about her being “not approachable,” “not happy enough,” and “mean.” She
26 explained she was still in a lot of physical pain from her previous illness. Sergeant Souza told her that pain
27 wasn’t relevant, and she needed to be present when she was at work. He instructed Ms. Valadez to be nicer
28 and more approachable. Ms. Valadez believes that a conversation about her attitude would not have taken

1 place if she was a man.

2 298. In addition, Ms. Valadez was informed she was being “mean” to the new trainee officer,
3 Kyle Korsten. Ms. Valadez asked Mr. Korsten about the allegations. Officer Korsten said he never made
4 any complaints and stated she was the only person trying to help him through training.

5 299. On April 21, 2021, Mrs. Valadez and Mitch Bakken did not qualify during their pistol
6 certification training. The requirements for requalifying are 4-8 hours of training to retest. Mr. Bakken was
7 given the opportunity to do his training and re-qualify the next day. He then returned to his normal job
8 duties on patrol. Also, in previous pistol qualifications, Michael Schneider failed his pistol certification
9 training, yet received unlimited chances in the same day to test until he qualified. Mr. Schneider was able
10 to test more than the standard of four attempts. However, Ms. Valadez was placed on modified duty and
11 not able to do any training until three days later. Instead, as a form of further gender discrimination, she
12 was placed on a performance improvement plan (“PIP”) and denied the opportunity to qualify. Ms. Valadez
13 was forced to miss an entire work week and use her PTO. Ms. Valadez was also forced to work a modified
14 duty assignment due to not being allowed to requalify. This was done in an effort to embarrass Ms. Valadez
15 as other male officers were not forced to wait so long for requalification.

16 300. On July 1, 2021, Ms. Valadez was partners with Bryan Franks. Glenn Provost was the
17 Provisional Sergeant. Sergeant Provost questioned Mr. Franks about Ms. Valadez on multiple occasions.
18 Mr. Franks felt uncomfortable by Sergeant Provost’s repeated questions, so he told Sergeant Provost to
19 speak with Ms. Valadez directly. Sergeant Provost never spoke with Ms. Valadez regarding those intrusive
20 personal questions.

21 301. On July 1, 2021, Sergeant Provost made comments about Ms. Valadez to Corporal Long.
22 He told Ms. Long that Ms. Valadez was “too focused on children that aren’t even hers” in referring to her
23 two stepdaughters. He told Ms. Long that Ms. Valadez “wasn’t focusing on herself.” Her performance
24 wasn’t lacking, but he didn’t like that she was taking responsibility for her stepchildren as both were listed
25 as her dependents.

26 302. On July 1, 2021, Sergeant Provost wrote evaluations. On Ms. Valadez’s evaluation, he
27 wrote that she was not proactive enough while on patrol. Corporal Zerina Redzic argued with Sergeant
28 Provost as he was not supposed to be evaluating her on “proactivity.” This was not listed on the evaluation

1 grade scale. Corporal Redzic brought this concern to Sergeant Provost multiple times. At the same time,
2 there were numerous male officers on probation that were not extended on probation or given a bad
3 evaluation due to proactivity.

4 303. On July 1, 2021, Officer Matt Bowen was given the opportunity to change his schedule with
5 Officer Jesse Savage. Officer Bowen wanted to work graves to earn the 8% shift differential. Admin
6 approved Officer Bowen's request even though he was still on probation. In contrast, show casing gender
7 discrimination, Concord PD's Admin gave Ms. Valadez a difficult time switching her schedule to
8 accommodate childcare. Sergeant Josh Gilfy did not allow Ms. Valadez to switch her schedule due to her
9 being on probation. Sergeant Gilfy instructed Ms. Valadez to ask Lieutenant Rodriguez about switching
10 her schedule. Lieutenant Rodriguez also denied her schedule change despite her having a colleague to
11 switch with her. He stated she could not switch her shift because she was on probation.

12 304. On October 1, 2021, Lieutenant Rodriguez extended Ms. Valadez's probationary period for
13 six months. He did not provide any reasoning for the extension. He only stated she needed to be more
14 "proactive", despite continued reminders of her long term COVID-19 symptoms she was experiencing. He
15 provided no clear sense of direction or expectations. Ms. Valadez talked to Corporal Redzic and Ms. Long
16 about her extension. Corporal Redzic and Ms. Long stated the six-month extension was uncommon and
17 excessive.

18 305. On November 1, 2021, Ms. Valadez arrested a Corrections Officer for DUI. The Corrections
19 Officer had two Hercules Police Department ("Hercules") friends arrive on scene. Ms. Valadez did not
20 include these two officers in her report as they were not part of the DUI arrest. During the investigation,
21 Ms. Valadez and the two male officers on scene muted their body cameras when they weren't talking with
22 the arrestee.

23 306. The Chief at Hercules called the Chief at Concord to inquire about the two Hercules officers
24 involved in an internal investigation. The Chief at Hercules was upset that he wasn't informed of the
25 situation. The news traveled down the chain of command. Lieutenant Rodriguez informed Officer Shasta
26 Vanetti that command staff was upset with the situation. Lieutenant Rodriguez told Vanetti that "heads
27 were going to roll" and "this would be the end of Harley."

28 307. As a result, and in retaliation, Ms. Valadez and the two officers were written up for

1 excessively muting their body cameras. At the same time, Officer Brandon Arata, who took the DUI crash
2 report, didn't get written up for failing to write the crash report for over ten days despite the rule that reports
3 were to be turned in at the end of the shift.

4 308. Lieutenant Rodriguez asked Mrs. Valadez if she talked to her stepfather, a Sergeant at
5 another agency, about advice and being a cop. He told her that she shouldn't talk to her stepfather about
6 anything at Concord PD. He stated only Concord PD officers should help her. Lieutenant Rodriguez asked
7 Ms. Valadez whom she talks to about her problems. He told her that she shouldn't talk to her husband too
8 much as it could end her marriage.

9 309. On November 1, 2021, Sergeant Danielle Cruz told Mrs. Valadez that Captain Nakayama
10 wanted to give her another write up for not initially including the two Hercules officers. Sergeant Cruz told
11 Captain Nakayama that Ms. Valadez was already written up for the body camera incident and it wouldn't
12 be fair to write her up again.

13 310. On January 1, 2022, Sergeant Danielle Cruz told Ms. Valadez that there were people at
14 Concord PD that did not want her to succeed. She confirmed to her that Captain James Nakayama and
15 Lieutenant Rodriguez were out to get her.

16 311. On January 20, 2022, Sergeant Passama called Ms. Valadez and Officer Erica Reed into his
17 office. He began to talk about how this job is a calling, not just a job. He said it is important to have hobbies
18 outside of work to de-stress. He asked Ms. Valadez what her hobbies were. She explained that her kids
19 take up most of her time. He replied that was not acceptable, as he has 3 kids and still has his own hobbies.
20 Sergeant Passama continued to harass Ms. Valadez by questioning what her hobbies were. She felt very
21 uncomfortable. Ms. Valadez stated she did have hobbies outside her kids. He continued to question what
22 her hobbies were. Officer Reed didn't contribute much to the conversation that eventually ended.

23 312. On January 24, 2022, Sergeant Cruz gave Ms. Valadez her evaluation. Ms. Valadez met
24 standards on all parts. She noted that Ms. Valadez was on track to complete probation. Ms. Valadez signed
25 her evaluation and sent it to Captain Nakayama's desk. Captain Nakayama did not sign the evaluation, nor
26 did he place the evaluation in her file. Instead, Ms. Valadez was terminated about a week later.

27 313. On January 31, 2022, Lieutenant Tamra Roberts and Sergeant Passama met with Ms.
28 Valadez to issue her a notice of termination. Lieutenant Roberts did not provide a reason for termination.

1 She only stated that Ms. Valadez wouldn't have to disclose any reason to a future employer.

2 314. Unlike her male colleagues, Ms. Valadez was not given the opportunity to resign instead of
3 being terminated. She was not provided with any recommendations to other police offices as her male
4 officers had been extended. In addition, she was not provided with her final paycheck. Ms. Valadez was
5 told she would receive her final paycheck during the normal pay period.

6 315. On January 31, 2022, Ms. Valadez asked Lieutenant Roberts why she was terminated while
7 she was gathering her belongings. Lieutenant Roberts said they weren't telling her why they terminated
8 her so Ms. Valadez would not have to disclose why she was terminated to a future employer. Lieutenant
9 Roberts stated the decision was based on her previous evaluations. Ms. Valadez asked if her most recent
10 evaluation from Sergeant Cruz was considered, as it had been positive. Lieutenant Roberts said it was not
11 as Captain Nakayama would not sign it. Ms. Valadez was never provided with a copy of her final
12 evaluation.

13 316. On April 3, 2023, Ms. Valadez filed a complaint with the Civil Rights Department and
14 obtained her Right to Sue regarding discrimination, retaliation and wrongful termination.

15 317. As a result of Defendants' actions, Plaintiff suffered emotionally and psychologically from
16 the discrimination and harassment she experienced by Defendants. As a result of the hostile work
17 environment and discrimination, Plaintiff has suffered mental and emotional pain and distress, discomfort,
18 extreme stress, and anxiety. Plaintiff Valadez experiences extreme embarrassment and humiliation having
19 to list termination on her record and continue as a probationary employee with her new agency due to
20 Concord PD giving her an excessive extension then termination.

21 **D. Plaintiff Kristen Kreiger**

22 318. Kristen Krieger ("Krieger") is a 40-year-old female who began working at Concord PD on
23 March 1, 2008, until her retirement on July 1, 2020.

24 319. On February 1, 2017, Ms. Krieger was promoted to Sergeant.

25 320. On July 1, 2018, Ms. Krieger was promoted to Lieutenant.

26 321. On August 1, 2018, Lieutenant Gartner denied Ms. Krieger's female subordinate officer's
27 training. When Ms. Krieger was a newly promoted Lieutenant, she learned that Lieutenant Gartner denied
28 one of her female subordinate Sergeant's training requests to attend the Women's Leadership Conference.

1 Ms. Krieger asked Lieutenant Gartner about the denial. He stated that Sergeant Cruz had attended the
2 Women's Leadership Conference the previous year and the department was not allowing officers to attend
3 the same training two years in a row. Ms. Krieger reminded Lieutenant Gartner that his own SWAT team
4 members attended the same Narcotics Conference every year, amongst other conferences many officers
5 attended yearly. Ms. Krieger stated Lieutenant Gartner's decision seemed to be bias toward female officers.
6 Ms. Krieger also reminded Lieutenant Gartner that the training request should have been routed to her. Ms.
7 Krieger was Sergeant Cruz's supervisor and Lieutenant Gartner should not have made a decision for one
8 of Ms. Krieger's subordinates. Lieutenant Gartner acted outside of the standard protocol. Lieutenant
9 Gartner was visibly uncomfortable with their conversation. Ms. Krieger stated she would be overturning
10 his decision and sending Sergeant Cruz to the Women's Conference. Lieutenant Gartner aggressively
11 grabbed his drink off Ms. Krieger's desk and stated in a firm tone, "I'll support whatever you decide" and
12 walked out of her office.

13 322. On February 1, 2019, Ms. Krieger suffered a knee injury while on duty. She was placed off
14 work completely by her doctor.

15 323. On April 19, 2019, Ms. Krieger was told by a fellow officer that her office was given away
16 to another officer. She contacted Captain Nunes via email to see if this information was true. Captain Nunes
17 confirmed that he had given her office to Sergeant Tamra Roberts. Ms. Krieger asked Captain Nunes for
18 time to gather her personal belongings. Instead, Captain Nunes ignored Ms. Krieger's request. When Ms.
19 Krieger went to the office to gather her belongings, she found her items thrown into drawers and her
20 personal pictures taken off the walls. Ms. Krieger realized her male colleague, also a Lieutenant, was out
21 on leave due to an injury. However, her male colleague's office was not reassigned to another officer.
22 Defendants knowingly treated those that were male differently than they were treating those that were
23 female.

24 324. On May 1, 2019, Ms. Krieger received a letter to return to work.

25 325. On May 13, 2019, Captain Garrett Voerge asked what time Ms. Krieger wanted to start
26 work. Ms. Krieger asked to start at 6:00 AM. In return, Captain Voerge confirmed Ms. Krieger's schedule
27 starting at 6:00 AM, typical for a Lieutenant.

28 326. On May 14, 2019, Ms. Krieger returned to work on light duty. Upon Ms. Krieger's return

1 to work, her male colleague's office remained untouched while he was off work for an injury. As continued
2 discrimination toward her gender, Captain Voerge and Chief Guy Swanger assigned Ms. Krieger to civilian
3 duties. Concord PD did not assign any other Lieutenant on light duty to civilian duties.

4 327. Upon her return, Ms. Kreiger was assigned to a civilian role in the Record's Unit. All other
5 male Lieutenants have retained their current, managerial assignment. However, Ms. Kreiger was not given
6 that same opportunity. Ms. Kreiger mentioned this issue to her Captain and was informed, "all officers
7 were being assigned to Records." Concord PD allowed gender discrimination in the workplace and spoke
8 untruths about who was being assigned to Records when it was known that a male motorcycle officer was
9 injured and allowed to work modified duty in the motor unit instead of being assigned to Records.

10 328. On May 25, 2019, Ms. Krieger's office was given to her male colleague, Lieutenant Michael
11 Kindorf, without any notification from Captain Nunes. Ms. Krieger learned through Sergeant Roberts that
12 Captain Nunes gave Ms. Krieger's office to Lieutenant Kindorf as she was leaving for vacation. Again,
13 Ms. Krieger was not given time to remove her personal effects while her male colleague's office remained
14 untouched, though he was still not at work due to an injury.

15 329. On May 28, 2019, Ms. Krieger reported gender discrimination to Captain Voerge. Ms.
16 Kreiger confirmed that she felt that she was being discriminated against on the basis of gender. She noted
17 having her office taken away and being assigned to a civilian position when all other male Lieutenants
18 were able to retain their positions while on light duty.

19 330. The following acts of retaliation by Defendants ensued following Ms. Kreiger's complaints
20 of gender discrimination.

21 331. On June 6, 2019, Concord PD made a change in Records operations after receiving reports
22 of discrimination. Sergeant Passama emailed all officers working light duty. He informed the officers that
23 he was implementing a new check-in system for injured officers. Sergeant Passama required the officers
24 to check in and out on a white board. He also required officers working light duty to provide him with a
25 "two-week work schedule." One of the injured officers, Zerina Redzic, mentioned to Ms. Krieger that she
26 noticed "things were changing" around records after Ms. Krieger's complaint. Ms. Redzic explained that
27 what used to be a flexible work environment was becoming scrutinized. Ms. Redzic believed the changes
28 in Records had to do with Ms. Krieger's presence in the unit. Sergeant Passama stated the rule was being

1 implemented due to the increase in officers in Records, however Ms. Krieger was the only one added to
2 the Records unit at that time.

3 332. On June 12, 2019, Ms. Krieger attended an Agreed Medical Examination (“AME”) for
4 Carpal Tunnel. She was diagnosed with moderate-severe carpal tunnel in her right hand. Dr. Lin told Ms.
5 Krieger that she should not be using her hand in a repetitive fashion. Ms. Krieger informed Captain Voerge
6 about the issue. She told him that removing staples from papers to scan documents as Dr. Lin said Ms.
7 Krieger should “absolutely” not small, repetitive movements. Ms. Krieger was scanning hundreds of
8 documents each day and removing staples from the documents to prepare them for scanning.

9 333. During an interactive disability meeting in August 2019, Lieutenant Gartner mentioned in
10 front of Ms. Loi in a demeaning, sarcastic tone, “It's not like we're having you remove staples from pieces
11 of paper or anything.” They were sitting at a table facing Ms. Loi and when Lieutenant Gartner made the
12 comment. He turned his chair toward Ms. Krieger. Lieutenant Gartner slouched in his chair, smirked, and
13 opened his legs in an unprofessional manner when he made the comment. Lieutenant Gartner’s comment
14 caused Ms. Krieger to lose control of her emotions and cry, something she never does in public or a work
15 setting. Ms. Krieger’s medical information was only shared with Captain Voerge and Jason Passama yet
16 Lieutenant Gartner made the comment to her.

17 334. On June 7, 2019, Concord PD retaliated against Ms. Krieger by accusing her of timecard
18 fraud. She received an email from Captain Voerge. He told her she had inaccuracies on her timecard.
19 Captain Voerge instructed her to use sick leave rather than straight pay for her work-related doctor
20 appointments. At the same time, none of Ms. Krieger’s colleagues, male or female, were instructed to use
21 sick leave for work-related appointments.

22 335. On June 12, 2019, Concord PD retaliated against Ms. Krieger by assigning her to a
23 supervisor below her rank. Captain Voerge had told Ms. Krieger upon her return to work in May 2019 that
24 she would be reporting directly to him. After reporting discrimination, Captain Voerge re-assigned Ms.
25 Krieger to report to Sergeant Jason Passama, who was below her rank.

26 336. On June 21, 2019, Concord PD continued to retaliate against Ms. Krieger. After
27 complaining about discrimination, Captain Voerge emailed and notified Ms. Krieger that her work
28 schedule had suddenly changed to 7:00 AM to 5:00 PM. This created a known hardship for childcare

1 reasons and the scheduling was out of the ordinary for Lieutenants.

2 337. On August 1, 2019, Ms. Krieger was unable to appear for an Admin Per Se hearing due to
3 a medical appointment for her son. She called the court as the subpoena instructed. Ms. Krieger informed
4 the court that she could “call in” for the hearing but she was unable to appear in person. The court stated
5 they would reschedule the hearing. Lieutenant Gartner involved himself in this issue, which did not need
6 his involvement. Lieutenant Gartner informed Ms. Krieger that he required proof that she was taking her
7 son to a medical procedure during the time of the scheduled hearing. This was out of the ordinary for any
8 officer to provide such proof of unavailability, especially when Ms. Krieger followed the instructions on
9 the court subpoena. However, she was required to provide Lieutenant Gartner with a doctor's note from
10 her child's doctor. Ms. Krieger was unsure what Lieutenant Gartner did with the note, but it appeared to be
11 out of pure retaliation and spite. Concord PD did not require other officers to provide written
12 documentation of attending a medical appointment.

13 338. On August 28, 2019, Ms. Krieger was invited to classroom style training by Captain Bill
14 Roche. Ms. Krieger notified Sergeant Passama of the training and her desire to attend the training. Sergeant
15 Passama told Ms. Krieger she could not attend the training due to her injured status. Ms. Krieger was aware
16 Sergeant Passama attended an off-site training with two injured male officers about two weeks prior to her
17 request, thus further retaliating against her and establishing discrimination against the female gender.

18 339. On September 1, 2019, an injured male Lieutenant was able to retain his office. He was not
19 assigned to work inside of Records as Ms. Krieger had been instructed. The male Lieutenant was able to
20 take police reports and work from his personal office while he recovered from his injury.

21 340. On September 3, 2019, Ms. Krieger was denied payment for her knee surgery on the day
22 before her scheduled surgery. Concord PD informed her that they were partially denying payment for the
23 costs of her surgery claiming that it was “too expensive” despite approving her surgery. At the same time,
24 Concord PD covered higher costs for the same surgery for her male colleagues.

25 341. On September 4, 2019, Ms. Krieger underwent surgery on her knee.

26 342. On September 21, 2019, Ms. Krieger restarted her probationary period outside of the
27 Memorandum of Understanding (“MOU”) rules as per Lieutenant Nicholas Gartner, Captain Voerge, and
28 Captain Swanger. She lost 5% of her pay due to this decision.

1 343. On December 29, 2019, Concord PD denied Ms. Krieger’s long-term disability (“LTD”)
2 benefits as per Lisa Bartlow in Human Resources. Ms. Krieger asked to use LTD benefits combined with
3 her sick leave. Ms. Bartlow only applied Ms. Krieger’s sick leave, denying her benefits.

4 344. On February 20, 2020, Ms. Krieger was moved to field operations when her assignment
5 was Detective Lieutenant. After her surgery, Ms. Krieger tried her hardest to return to full duty work. When
6 Ms. Krieger was released by her doctor to full duty, she was eager to try to return to her role. Ms. Krieger
7 knew that her assignment as the Detective Lieutenant didn’t require her to wear a duty belt so she could
8 hopefully continue her recovery while working at a desk. Ms. Krieger expected to return to her Detective
9 Lieutenant assignment when she notified Concord PD that she was able to return to work. Ms. Krieger was
10 the only Lieutenant without a specialized assignment at the time. She knew it was her turn to receive a
11 special assignment upon her return to full duty. Ms. Krieger was blindsided when Concord PD informed
12 her that they were moving her position to Patrol Lieutenant. The Patrol Lieutenant assignment required the
13 weight or a full uniform and duty belt. She tried to return to work in the Patrol Lieutenant assignment. She
14 successfully worked for a few weeks until her injury worsened. Ms. Krieger was placed back on light duty
15 in Records.

16 345. On March 4, 2020, Ms. Krieger filed a grievance with HR regarding her LTD benefits and
17 probationary status. HR representative Jasmin Loi told Ms. Krieger that she agreed that her probation
18 should not start over. However, Ms. Bartlow, Ms. Loi, and City Manager Valerie Barone denied her
19 grievance.

20 346. From March 2020 to April 2020, Ms. Krieger returned to work on light duty.

21 347. On April 1, 2020, Ms. Krieger was placed on administrative leave due to COVID-19.
22 However, she was denied 4850 pay. At the same time, all other male employees were granted 4850 pay.
23 Ms. Krieger was forced to use her sick leave. Concord PD later reversed the 4850 pay decision after Ms.
24 Krieger complained of harassment and relation.

25 348. On July 1, 2020, Ms. Krieger retired due to medical.

26 349. On July 1, 2020, Ms. Krieger’s Lieutenant picture was stolen. This was a personal
27 photograph, removed from the wall and went missing, never returned. It was customary for retiree to keep
28 their picture as a keepsake.

1 350. On October 18, 2022, Ms. Kreiger filed a complaint with the Civil Rights Department and
2 obtained her Right to Sue regarding discrimination and retaliation.

3 351. As of result of Defendants' actions, Plaintiff suffered emotionally and psychologically from
4 the discrimination and harassment she experienced by Defendants. As a result of the hostile work
5 environment and discrimination, Plaintiff has suffered embarrassment, humiliation, mental and emotional
6 pain and distress, discomfort, anxiety, loss of sleep, loss of concentration, stress, sick to her stomach and
7 loss of friendships.

8 **E. CONCLUSION**

9 352. On information and belief, Defendants discriminated against Plaintiffs because of their
10 gender.

11 353. On information and belief, Defendants discriminated against Plaintiff Long and Plaintiff
12 Hendricks because of their pregnancy status.

13 354. On information and belief, Defendants retaliated against Plaintiffs after Plaintiffs
14 complained about their discriminatory treatment.

15 355. On information and belief, Defendants disregarded Plaintiffs' concerns regarding the
16 discrimination and harassment they were experiencing.

17 356. On information and belief, when Plaintiff Hendricks reported Sergeant Williams for
18 repeatedly being unsafe on various incidents, she was dismissed and ignored and therefore harassed and
19 discriminated against for her knowledge and reporting said incidents.

20 357. Plaintiffs' managers and superiors alike made their workplace a hostile work environment
21 by failing to address their concerns about discrimination and harassment.

22 358. Defendants failed to prevent the foregoing discrimination and retaliation. As a result of
23 such conduct, Defendants have caused Plaintiffs intentional infliction of emotional distress, stress,
24 anxiety.

25 359. Plaintiffs made formal complaints regarding the disparate and discriminatory treatment
26 they suffered by Defendants. Defendants took no action to address the concerns raised by Plaintiffs.
27
28

1 360. As a result of Defendants' actions, Plaintiffs have suffered emotionally and
2 psychologically from the discrimination and harassment they have experienced by Defendants. As a
3 result of the hostile work environment and discrimination, Plaintiffs have suffered embarrassment,
4 humiliation, mental and emotional pain and distress and discomfort.

5 361. Defendants have discriminated and retaliated against Plaintiffs based on their gender in
6 violation of Cal. Gov. Code § 12940. Defendants failed to investigate and prevent the foregoing
7 discrimination and retaliation, despite Plaintiffs complaints, in violation of Cal. Gov. Code § 12940.
8 Defendants are also liable for intentional infliction of emotional distress.

9
10 362. Defendants have discriminated and retaliated against Plaintiff Hendricks based on
11 reporting of Sergeant Williams unsafe practices in violation of the California Whistleblower Protection
12 Act, Gov. Code § 8547.1 which allows employees to report violations of law and are to be free from
13 retaliation for doing so.

14
15 ***FIRST CAUSE OF ACTION***

16 *Retaliation*

17 *Cal. Gov't Code §12940(h)*

18 *(All Plaintiffs Against All Defendants)*

19 363. Plaintiffs re-plead, re-allege, and incorporate by reference each and every allegation set
20 forth in this Complaint.

21 364. At all relevant times, the California Fair Employment & Housing Act, sections 12940, et
22 seq., was in full force and effect, and binding on Defendants.

23 365. FEHA makes it an unlawful employment practice for an employer to retaliate against an
24 employee who has opposed a forbidden practice or filed a complaint against an employer or supervisor.
25 CGC §12940(h).

26 366. Government Code section 12940(h) provides in relevant part:

27 It is an unlawful employment practice . . . (h) For any employer, labor
28 organization, employment agency, or person to discharge, expel, or
toherwise discriminate against any person because the person has opposed
any practices forbidden under this part or because the person has filed a

1 complaint, testified, or assisted in any proceeding under this part.

2 367. Defendants were Plaintiffs' employer, and Plaintiffs were Defendants' employee.

3 368. Plaintiffs made multiple complaints to Defendants about discriminatory harassment they
4 received from colleagues and supervisors alike.

5 369. Defendants retaliated against Plaintiff Hendricks by denying her several promotions despite
6 being a qualified candidate based on her demonstrated skills, ability, and overall performances, however
7 she was continually denied a promotional opportunity. Plaintiff Hendricks was denied promotions directly
8 following her complaints during an IA on Sergeant Johnson and following her involvement in Ms.
9 Capocci's complaint. Plaintiff Hendricks was issued an informal one year Employee Discussion after being
10 accused of a raciall biased accusation which was later dropped. After issuing complaint regarding Sergeant
11 William's unsafe behaviors, Defendants retaliated by issuing Plaintiff Hendricks with an Employee
12 Discussion and negative remarks on her record for submittnng a late report. As continued retaliation,
13 Defendants placed Plaintiff Hendricks to Dispatch full-time, essentially demotions. Plaintiff Hendricks
14 received harassing retaliation in the form of unwanted items in her department mailbox including: men's
15 pants, band aid after a biking accident, box of tissue, Kenny Loggins CD, chocolate coins, tootsie rolls,
16 calendar, training manual. After multiple complaints and years of this harassment Defendants never
17 conducted any form of investigation into the matter and the responsible party was never identified. After
18 taking on all responsibilities of the Sergeant roll without the pay and title, Plaintiff Hendricks was issued
19 a Employee Discussion after she spoke about gender bias and replaced her with a less tenured and less
20 qualified male, essentially demoting and humiliating her. Defendants removed two hours of Plaintiff
21 Henricks' time off her timecard and served her with a negative Employee Performance Appraisal in
22 retaliation for complaining of her Sergeants aggressive and harassing behavior, which also resulted in
23 temporary loss of Master Peace Officer status and pay. After filing for worker's compensation and
24 reporting discrimination, harassment and retaliation by Defendants, Concord PD utilized Corporal Ross'
25 abuse bia disclosing it as an affair between a female employees and a male supervisor to prevent Plaintiff
26 Hendricks from pursuing her claims. Defendants finally removed Plaintiff Hendricks department mailbox
27 while she was still an employee sending a clear message of retaliation.

1 370. Defendants retaliated against Plaintiff Long by denying her several promotions despite
2 being a qualified candidate based on her demonstrated skills, ability, and overall performances, however
3 she was continually denied a promotional opportunity. Plaintiff Long was denied the ability to telecommute
4 and work from home during her high-risk pregnancy while other groups were allowed. As a form of
5 retaliation, Plaintiff Long was required to undergo an Interactive Disability Hearing to find if Defendants
6 would accommodate her request. Additionally, Plaintiff Long has become the subject of an investigation
7 surrounding a group of women officers, in which has had no contact with, in retaliation for her pending
8 lawsuit and to remove any consideration for an upcoming Sergeant promotion.

9 371. Defendants retaliated against Plaintiff Valadez by terminating Plaintiff's employment.
10 Plaintiff was retaliated against by being terminated despite being on track for completing her
11 probation. After signing her evaluation showcasing this positive track toward completing her probation,
12 Plaintiff's superior chose to retaliate by failing to sign the evaluation, nor did he place the evaluation in
13 her file.

14 372. Defendants retaliated against Plaintiff Krieger by accusing her of timecard fraud, instructing
15 her to use sick leave rather than straight pay for her work related doctor appointments, assigning her to a
16 supervisor below her rank, changing her preapproved work schedule, denying her attempt to attend training
17 due to her injured status while two other injured male officers attended two weeks prior to her request,
18 denying payment for her knee surgery, denying long term disability benefits, and denying 4850 pay while
19 male employees were granted 4850 pay during COVID-19.

20 373. Plaintiffs were harmed.

21 374. Defendants' conduct was a substantial factor in causing Plaintiffs' harm.

22 375. The conduct of Defendants and each of them as described above was malicious,
23 fraudulent, or oppressive and done with a willful and conscious disregard for Plaintiffs' rights.
24 Defendants and each of them, and their agents/employees or supervisors, authorized, condoned, and
25 ratified the unlawful conduct of each other. Consequently, Plaintiffs are entitled to punitive damages
26 against each of said Defendants.

27 ***SECOND CAUSE OF ACTION***

28 *Hosile Work Environment Harassment*

1 *Cal. Gov. Code § 12940(j)*

2 *(All Plaintiffs Against All Defendants)*

3 376. Plaintiff re-pleads, re-alleges, and incorporates by reference each and every allegation set
4 forth in this Complaint.

5 377. Defendants, and each of them, either individually and/or through their agents, engaged in
6 the foregoing conduct, which constitutes a pattern and practice of hostile work environment harassment
7 in violation of Government Code sections 12940(j), which provides that harassment of employees is an
8 unlawful employment practice.

9 378. Plaintiffs endured harassing conduct by Defendants and/or Defendants' managers or
10 supervisors alike, that took place in Plaintiffs' immediate work environment.

11 379. Plaintiffs considered the work environment to be hostile or abusive towards people that
12 are female, pregnant, and anyone who complained about discrimination or illegal practices with the
13 company.

14 380. Plaintiffs' supervisor engaged in the conduct.

15 381. Defendants knew or should have known of the conduct and failed to take any corrective
16 action whatsoever, let alone immediate appropriate corrective action.

17 382. The above-described acts and conduct by Defendants proximately caused Plaintiffs
18 damages and injury in an amount to be proven at trial.

19 383. The conduct of Defendants and each of them as described above was malicious, fraudulent,
20 or oppressive and done with a willful and conscious disregard for Plaintiffs' rights. Defendants and each
21 of them, and their agents/employees or supervisors, authorized, condoned, and ratified the unlawful
22 conduct of each other. Consequently, Plaintiffs are entitled to punitive damages against each of
23 said Defendants.

24 ***THIRD CAUSE OF ACTION***

25 *Failure to Prevent Discrimination and Harassment*

26 *Cal. Lab. Code § 12940*

27 *(All Plaintiffs Against All Defendants)*

28 384. Plaintiff re-pleads, re-alleges, and incorporates by reference each and every allegation set

1 forth in this Complaint.

2 385. Government Code section 12940(m)(2) provides in relevant part:

3 It is an unlawful employment practice . . . (k) For an employer . . . to fail to
4 take all reasonable steps necessary to prevent discrimination and harassment
5 from occurring.

6 386. Defendants wrongfully failed to take all reasonable steps necessary to prevent harassment
7 and discrimination of Plaintiffs based on their gender and pregnancy status.

8 387. Plaintiffs suffered and continue to suffer harm as a result of Plaintiffs' discharge, early
9 retirement, or continued employment by Defendants.

10 388. Defendants' conduct was a substantial factor in causing Plaintiffs' harm.

11 389. Under Government Code section 12940, Plaintiffs are entitled to recover Plaintiffs'
12 economic and noneconomic damages caused by Defendants' unlawful practices. Plaintiffs are also entitled
13 to reasonable attorney's fees and costs pursuant to Government Code section 12965.

14 390. The conduct of Defendants and each of them as described above was malicious, fraudulent,
15 or oppressive and done with a willful and conscious disregard for Plaintiffs' rights. Defendants and each
16 of them, and their agents/employees or supervisors, authorized, condoned, and ratified the unlawful
17 conduct of each other. Consequently, Plaintiffs are entitled to punitive damages against each of said
18 Defendants.

19 391. As a direct and proximate result of Defendants' unlawful acts alleged herein, Plaintiffs have
20 suffered injury, including emotional injury, entitling them to compensatory damages in an amount to be
21 proven at trial.

22 ***FOURTH CAUSE OF ACTION***

23 *Wrongful Termination in Violation of Public Policy*

24 *(Plaintiff Hendricks and Plaintiff Valadez Against All Defendants)*

25 392. Plaintiff Hendricks and Plaintiff Valadez re-pleads, re-alleges, and incorporates by
26 reference each and every allegation set forth in this Complaint.

27 393. At all times herein mentioned in this complaint, California Government Code Section 12940
28 (a), was in full force and effect and were binding on the Defendants and the Defendants were subject to

1 their terms, and therefore Defendants were required to refrain from violations of public policy, including
2 discrimination based on gender in violation of FEHA and in retaliation for complaining of said
3 discrimination.

4 394. Defendants were Plaintiffs' employer, and Plaintiffs were Defendants' employee.

5 395. Defendants terminated Plaintiff Hendricks and Plaintiff Valadez in violation of Plaintiffs'
6 rights and public policy.

7 396. Plaintiffs are informed and believe and thereon alleges that their protected status (gender)
8 and/or their protestation against being discriminated against based on said protected status as alleged
9 above, were, in part, factors in Defendants' decision to terminate Plaintiffs' employment.

10 397. Plaintiff was harmed.

11 398. Defendants' conduct was a substantial factor in causing Plaintiffs' harm.

12 399. As a proximate result of Defendants' conduct, Plaintiffs have suffered special damages in
13 the form of lost earnings, benefits and/or out of pocket expenses in an amount according to proof at the
14 time of trial. As a further direct and proximate result of Defendants' conduct, Plaintiffs will suffer
15 additional special damages in the form of lost future earnings, benefits and/or other prospective damages
16 in an amount according to proof at the time of trial.

17 400. As a further direct and proximate result of Defendants' conduct, Plaintiffs have suffered loss
18 of financial stability, peace of mind and future security, and have suffered embarrassment, humiliation,
19 mental and emotional pain and distress and discomfort, all to his detriment and damage in amounts not
20 fully ascertained but within the jurisdiction of this court and subject to proof at the time of trial.

21 401. In violation of public policy, Defendants terminated Plaintiff Hendricks because she is 46
22 year old female who brought forth complaints against the discriminatory and harassing treatment from her
23 male colleagues, despite the fact that Defendants knew that Plaintiff was experienced and able to perform
24 the essential functions of her position and had done so since 2003 as a Concord Police Officer and Concord
25 Police Corporal.

26 402. In violation of public policy, Defendants terminated Plaintiff Valadez because she is a 27-
27 year-old female who brought forth complaints against the discriminatory and harassing treatment from her
28 male colleagues, despite the fact that Defendants knew that Plaintiff was experienced and able to perform

1 the essential functions of her position and had done so since 2020 as a Concord Police Officer.

2 403. The conduct of Defendants as described above was malicious, fraudulent, or oppressive and
3 done with a willful and conscious disregard for Plaintiffs' rights. Defendants and each of them, and their
4 agents/employees or supervisors, authorized, condoned and ratified the unlawful conduct of each other.
5 Consequently, Plaintiffs are entitled to punitive damages against each of said Defendants.

6 ***FIFTH CAUSE OF ACTION***

7 *California Whistleblower Protection Act*

8 *Gov. Code § 8547.1*

9 *(Plaintiff Hendricks Against All Defendants)*

10 404. Plaintiff re-pleads, re-alleges, and incorporates by reference each and every allegation set
11 forth in this Complaint.

12 405. Gov. Code § 8547.1 provides:

13 The Legislature finds and declares that state employees should be free to
14 report waste, fraud, abuse of authority, violation of law, or threat to public
15 health without fear of retribution.

16 406. Plaintiff made multiple complaints to Defendants about Sergeant Williams being repeatedly
17 unsafe on various incidents.

18 407. Including but not limited to Sergeant Williams not properly assisting Ms. Hendricks during
19 an arrest where the suspect was resisting, which violated a basic requirement of policing.

20 408. Including but not limited to Sergeant Williams driving past an in-progress crime where
21 teammates had individuals at gunpoint. This violated another basic requirement of policing in which
22 Sergeant Williams must stop to assist during the in-progress crime, but failed to do so and went on to be
23 with the officer interviewing the victim.

24 409. Including but not limited to Sergeant Williams attempting to take blood from Ms. Hendricks
25 for a minor traffic incident, which proved both illegal and inappropriate.

26 410. Sergeant Williams and Defendants retaliated against Plaintiff by serving her with an
27 Employee Discussion where Plaintiff received negative remarks on her record for submitting reports late
28 and an effort by Sergeant Williams to assert her authority as the new superior over Ms. Hendricks.

1 411. Defendants retaliated against Plaintiff by terminating Plaintiff's employment.

2 412. Plaintiff was harmed.

3 413. Defendants' conduct was a substantial factor in causing Plaintiff's harm.

4 414. The conduct of Defendants and each of them as described above was malicious,
5 fraudulent, or oppressive and done with a willful and conscious disregard for Plaintiff's rights.
6 Defendants and each of them, and their agents/employees or supervisors, authorized, condoned, and
7 ratified the unlawful conduct of each other. Consequently, Plaintiff is entitled to punitive damages
8 against each of said Defendants.

9 ***SIXTH CAUSE OF ACTION***

10 *Gender Discrimination*

11 *Cal. Gov. Code § 12940*

12 *(All Plaintiffs Against All Defendants)*

13 415. Plaintiffs re-pleads, re-alleges, and incorporates by reference each and every allegation set
14 forth in this Complaint.

15 416. Government Code section 12940(a) provides in relevant part:

16 It is an unlawful employment practice . . . (a) [f]or an employer,
17 because of the . . . sex, gender . . . of any person . . . to discharge the person
18 from employment . . . or to discrimination against the person in
19 compensation or in terms, conditions, or privileged of employment.

20 417. Plaintiff Hendricks, Long, Valadez, and Krieger are female.

21 418. Plaintiffs were subjected to unwelcome gender discrimination.

22 419. Defendants were Plaintiffs' employer, and Plaintiffs were Defendants' employee.

23 420. Plaintiffs were constantly harassed by male employees, managers and supervisors alike
24 and discriminated against based on their gender status.

25 421. For Plaintiff Hendricks this harassment and discrimination included being denied several
26 promotions that were instead given to males who were less tenured, experienced, and qualified. Plaintiff
27 Hendricks was promoted at a significantly slower pace than her male counterparts. Plaintiff Hendricks
28 was ridiculed as rumors circulated about her husband and personal life in which Plaintiff Hendricks

1 believes had she have been a male, her personal life would not have been the subject of workplace
2 gossip. Plaintiff Hendricks was eventually promoted for Special Victims Unit Detective, which was
3 given to her by a female Sergeant, after being denied all previous promotions by male Sergeants. After
4 which, Plaintiff Hendricks was promoted to Community Service Desk Corporal by a male Captain, as her
5 one and only time she was ever promoted by a male in her work history. Plaintiff Hendricks was
6 minimized and described as “overreacting” when she experienced a safety concern, additionally no safety
7 measures were provided to her or family. Plaintiff Hendricks found herself more closely monitored and
8 criticized, resulting in a negative Employee Discussion, compared to her male counterparts when she was
9 given reports that were time consuming and emotionally draining. After having declined an offer to move
10 to a Dispatch role, Defendants reassigned Plaintiff Hendricks to full-time Dispatch, while male
11 counterparts were not being reassigned to Dispatch. Male colleagues were able to test for extension
12 without explanation to extend their time as Patrol Corporate while Plaintiff Hendricks was “timed out”.
13 Plaintiff Hendricks was not afforded the same opportunities as her male colleagues. Plaintiff Hendricks
14 was referred to a “sea donkey” a derogatory and offensive term to reference women. In addition,
15 Defendants did not allow Plaintiff Hendricks to retain her duty weapon upon being forced to retire due to
16 mental health, when it was common practice for male members to retain their duty firearm in situations
17 of medical retirement.

18 422. For Plaintiff Long this harassment and descrimination included receiving less recognition
19 and support than her male colleagues after her graduation, assigning her to demoted dispatch duty while
20 males who were on modified duty were not, being denied several promotions that were instead given to
21 males who were less tenured, experienced, qualified, and had disciplinary and performance issues.
22 Plaintiff Long was denied the ability to work from home during her high-risk pregnancy and disciplined
23 for talking to others outside of her workspace while a group of male detectives rode in a car together
24 without masks and contracted COVID-19 without being written up and disciplined. These males
25 detectives were then allowed to work from home when they tested postive, showcasing clear gender
26 discrimination.

27 423. For Plaintiff Valadez this harassment and descrimination included Defendants not giving
28 her an option to work on modified duty despite having symptoms due to COVID-19 related health

1 complications, additionally Defendants denied anyone attempting to donate time to Plaintiff Valadez,
2 which was customary practice. At the same time, Defendants allowed male officers to remain on
3 modified duty for extended amounts of time for injuries of varying degrees. Defendants allowed
4 complaints against Plaintiff Valadez regarding her “attitude”, being “not approachable”, “not happy
5 enough”, and “mean”, all of which occurred during a time Plaintiff Valadez was suffering from her
6 COVID-19 related complications. If Plaintiff Valadez was a male, she believes she would have never had
7 a conversation regarding her attitude and the need for her to be “nicer”. In fact, when Plaintiff Valadez
8 and Mr. Bakken did not qualify during their pistol certification training, Plaintiff Valadez was placed on
9 modified duty and denied training until three days later, while Mr. Bakken was allowed to train and
10 requalify the next day. Additionally, Plaintiff Valadez, was placed on a performance improvement plan
11 and denied the opportunity to qualify. In attempting to switch her schedule to accommodate childcare,
12 Defendants denied Plaintiff Valadez, while allowing Mr. Bowen the opportunity to change his schedule
13 even though he was on probation. Unlike her male colleagues, Plaintiff Valadez was not given the
14 opportunity to resign instead of being terminated.

15 424. For Plaintiff Krieger this harassment and discrimination included having her office given
16 away twice to another officer despite male officers maintaining their office while out on leave, assigning
17 her to civilian duties and Records while not assigning other Lieutnantants to civilian duties nor Records
18 while they were on light duty, covering higher costs for work related surgeries and denying Plaintiff’s
19 surgery, and denying 4850 pay while male employees were granted 4850 pay during COVID-19.
20 Defendants required Plaintiff Krieger to provide a doctor’s note for her son’s doctor appointment when
21 such proof was not being required of her male counterparts.

22 425. Throughout Plaintiffs’ employment, Plaintiffs made multiple complaints to Defendants
23 about the harassment and discrimination they received from male employees, managers and supervisors
24 alike. Despite Plaintiffs’ complaints of the harassment, Defendants did not remedy the situation.

25 426. Plaintiffs suffered harm when they was discriminated against by Defendants.

26 427. Defendants' conduct was a substantial factor in causing Plaintiffs’ harm.

27 428. Under Government Code section 12940, Plaintiffs are entitled to recover economic and
28 noneconomic damages caused by Defendants' discriminatory practices based on Plaintiffs’ gender and

1 violation of the Fair Employment and Housing Act. Plaintiffs are also entitled to reasonable attorney's
2 fees and costs pursuant to Government Code section 12965.

3 429. As a result of Defendants' discriminatory treatment Plaintiffs suffer emotional distress
4 and feel humiliated, embarrassed, anxious, and depressed.

5 430. The conduct of Defendants and each of them as described above was malicious, fraudulent,
6 or oppressive and done with a willful and conscious disregard for Plaintiffs' rights. Defendants and each
7 of them, and their agents/employees or supervisors, authorized, condoned, and ratified the unlawful
8 conduct of each other. Consequently, Plaintiffs are entitled to punitive damages against each of said
9 Defendants.

10 ***SEVENTH CAUSE OF ACTION***

11 *Pregnancy Discrimination*

12 *Cal. Gov. Code § 12940(a)*

13 *(Plaintiff Hendricks and Plaintiff Long Against All Defendants)*

14 431. Plaintiffs re-pleads, re-alleges, and incorporates by reference each and every allegation set
15 forth in this Complaint.

16 432. Government Code section 12940(a) provides that it is unlawful "[f]or an employer, because
17 of . . . sex, . . . to discriminate against [any] person in compensation or in terms, conditions, or privileges
18 of employment."

19 433. Defendants were an employer subject to the California Fair Employment and Housing Act
20 ("FEHA"). Pregnancy discrimination is a subset of sex discrimination under the FEHA.

21 434. At all relevant times, Plaintiff Hendricks and Plaintiff Long were members of a protected
22 class within the meaning of FEHA because they were pregnant and or/had a condition related to pregnancy
23 or childbirth.

24 435. Defendants subjected Plaintiff Hendricks to adverse employment actions including, but not
25 limited to, informing Ms. Hendricks not to worry about childcare and allowing Plaintiff Hendricks to bring
26 her firstborn into the office once the child was born for breastfeeding purposes, only to rescind the
27 inquisition by instructing Plaintiff Hendricks she was no longer able to bring the child into the office. Based
28

1 on her pregnancy, Plaintiff Hendricks was assigned to a Dispatch role and performed temporary modified
2 work. Defendants treated Plaintiff Hendricks that the pregnancies were an inconvenience to the
3 department. In fact, each of Plaintiff Hendricks' pregnancies resulted in her being reassigned to a Dispatch
4 role when males who were injured or on modified duty were not assigned to a Dispatch role.

5 436. Defendants subjected Plaintiff Long to adverse employment actions including, but not
6 limited to, assigning Plaintiff Long to Dispatch for modified duty and a modified work schedule different
7 from normal modified schedules forcing Plaintiff Long to work five days a week. Denying Plaintiff Long
8 a paid lunch, and subjecting Plaintiff Long to an Interactive Disability Hearing, calling her pregnancy a
9 "disability" when her doctor was not classifying her pregnancy as a disability. Defendants also denied
10 Plaintiff Long the ability to work from home during her high-risk pregnancy to lessen her exposure to
11 COVID-19, while other groups were able to telecommute.

12 437. Such actions were in direct violation of Government Code Section 12940 and were done
13 with the intend of depriving Plaintiff Hendricks promotion and maintaining her current role within the
14 Concord Police Department. In addition, Defendants made it impossible for Plaintiff Hendricks to bring
15 her firstborn child to the office for the purpose of breastfeeding after previously been granted the option to
16 do so. Plaintiff Hendricks relied on the agreement Defendants had made her and without such agreement
17 Plaintiff Hendricks was without childcare and support.

18 438. Such actions were in direct violation of Government Code Section 12940 and were done
19 with the intent of depriving Plaintiff Long of either four 10-hour shifts or three 12.5-hours shifts with a ten
20 hour make up day a week as per Concord PD's Memorandum of Understanding. In addition, Defendants
21 made it impossible for Plaintiff Long to work Friday to Sunday, a shift she had been working prior to
22 pregnancy, as her son had been in distance learning and needed her home during the week.

23 439. Plaintiffs believes and alleges that Plaintiff Hendricks' and Plaintiff Long's pregnancy were
24 a substantial and determining factor in Defendants' decision to deny Plaintiff Hendricks and Plaintiff Long
25 promotions and their preferred working roles and schedule, which is in violation of FEHA's prohibition
26 against discrimination on the basis of pregnancy. Had Plaintiff Hendricks and Plaintiff Long not been
27 pregnant, they would have retained their positions, without demotion to Dispatch, as well as Plaintiff Long
28 would have maintained her working schedule of Friday to Sunday to provide for her son during distance

1 learning, which other employees who were not pregnant did, in fact, receive.

2 440. As a direct, foreseeable, and proximate result of Defendants' discriminatory acts, Plaintiff
3 Hendricks and Plaintiff Long have suffered and continue to suffer substantial losses in earnings and job
4 benefits, and has suffered and continues to suffer humiliation, embarrassment, mental and emotional
5 distress, and discomfort, all to Plaintiff Long's damage in an amount to be proven at trial.

6 ***EIGHTH CAUSE OF ACTION***

7 *Retaliation*

8 *Cal. Gov. Code § 98.6*

9 *(All Plaintiffs Against All Defendants)*

10 441. Plaintiff re-pleads, re-alleges, and incorporates by reference each and every allegation set
11 forth in this Complaint.

12 442. Cal. Lab. Code § 98.6 provides:

13 (a) A person shall not discharge an employee or in any manner discriminate,
14 retaliate, or take any adverse action against any employee . . . because the
15 employee . . . engaged in any conduct delineated in this chapter, including . . .
16 Chapter 5 (commencing with Section 1101) of Part 3 of Division 2, or because
17 the employee . . . or because of the exercise by the employee or applicant for
employment on behalf of himself, herself, or others of any rights afforded him
or her.

18 (b)(1) Any employee who is discharged, threatened with discharge, demoted,
19 suspended, retaliated against, subjected to an adverse action, or in any other
20 manner discriminated against in the terms and conditions of his or her
21 employment because the employee engaged in any conduct delineated in this
chapter, including . . . Chapter 5 (commencing with Section 1101) of Part 3 of
Division 2 . . . shall be entitled to reinstatement and reimbursement for lost
wages and work benefits caused by those acts of the employer.

22 443. Defendants were Plaintiffs' employer, and Plaintiffs were Defendants' employees.

23 444. Plaintiffs made multiple complaints to Defendants about gender charged discriminatory
24 treatment and harassment.

25 445. Defendants retaliated against Plaintiffs by terminating Plaintiffs' employment or forcing
26 early retirement.

27 446. Plaintiffs were harmed.
28

1 447. Defendants' conduct was a substantial factor in causing Plaintiffs' harm.

2 448. Pursuant to Cal. Lab. Code § 98.6(b)(3), Defendants are liable to Plaintiffs for a civil
3 penalty of ten thousand dollars (\$10,000) for each violation.

4 449. The conduct of Defendants and each of them as described above was malicious,
5 fraudulent, or oppressive and done with a willful and conscious disregard for Plaintiffs' rights.
6 Defendants and each of them, and their agents/employees or supervisors, authorized, condoned, and
7 ratified the unlawful conduct of each other. Consequently, Plaintiffs are entitled to punitive damages
8 against each of said Defendants.

9
10 **PRAYER FOR RELIEF**

11 **WHEREFORE**, Plaintiffs prays for judgment against the Defendants, and each of them, as
12 follows:

- 13 1. Compensatory damages including emotional distress damages and lost wages, benefits
14 and interest in a sum according to proof;
- 15 2. Interest on judgment, including prejudgment interest, at the legal rate;
- 16 3. Punitive damages in a sum according to proof;
- 17 4. Attorney's fees and costs; and
- 18 5. For any further legal and equitable relief, the Court deems proper.

19
20 Dated: October 9, 2023.

RATNER MOLINEAUX, LLP

21 

22
23 _____
24 David S. Ratner
25 Shelley A. Molineaux
26 *Attorneys for Plaintiffs* AMY HENDRICKS; BETH LONG;
27 HARLEY VALADEZ; JEFF KRIEGER; KRISTEN
28 KRIEGER

EXHIBIT A



Civil Rights Department

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
800-884-1684 (voice) | 800-700-2320 (TTY) | California's Relay Service at 711
calcivilrights.ca.gov | contact.center@dfeh.ca.gov

January 6, 2023

Via Email: amy-hendricks@sbcglobal.net

Amy Hendricks
6869 N Aldridge Dr
Coeur d Alene, ID 83815

RE: Notice of Case Closure and Right to Sue
Case Number: 202107-14160513
Case Name: Hendricks / Concord Police Department

Dear Amy Hendricks:

The Civil Rights Department (CRD) has closed your case for the following reason: **Elected court action.**

This is your Right to Sue Notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. This is also applicable to CRD complaints that are filed under, and allege a violation of, Government Code section 12948, which incorporates Civil Code sections 51, 51.7, and 54. The civil action must be filed within one year from the date of this letter. However, if your civil complaint alleges a violation of Civil Code section 51, 51.7, or 54, you should consult an attorney about the applicable statutes of limitation.

Please note that if a settlement agreement has been signed resolving the complaint, you may have waived the right to file a private lawsuit. Should you decide to bring a civil action on your own behalf in court in the State of California under the provisions of the California Fair Employment and Housing Act (FEHA) against the person, employer, labor organization or employment agency named in your complaint, below are resources for this.

Finding an Attorney

To proceed in Superior Court, you should contact an attorney. If you do not already have an attorney, the organizations listed below may be able to assist you:

- The State Bar of California has a Lawyer Referral Services Program which can be accessed through its Web site at www.calbar.ca.gov or by calling (866) 442-2529 (within California) or (415) 538-2250 (outside California).
- Your county may have a lawyer referral service. Check the Yellow Pages of your telephone book under "Attorneys."

Filing in Small Claims Court

- The Department of Consumer Affairs (DCA) has a publication titled “The Small Claims Court: A Guide to Its Practical Use” online at of “The Small Claims Court: A Guide to Its Practical Use” online at http://www.dca.ca.gov/publications/small_claims/.
- You may also [order a free copy](#) of “The Small Claims Court: A Guide to Its Practical Use” online, by calling the DCA Publication Hotline at (866) 320-8652, or by writing to them at: DCA, Office of Publications, Design and Editing; 1625 North Market Blvd., Suite N-112; Sacramento; CA; 95834.
- The State Bar of California has information on “Using the Small Claims Court” under the “Public Services” section of its Web site located at www.calbar.ca.gov

Sincerely,

Jazelle Neal

Jazelle Neal
Associate Governmental Program Analyst
213-410-1847
jazelle.neal@dfeh.ca.gov

Cc:

Concord Police Department
1350 Galindo Street
Concord, CA 94520

**Civil Rights Department**

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
800-884-1684 (voice) | 800-700-2320 (TTY) | California's Relay Service at 711
www.dfeh.ca.gov | contact.center@dfeh.ca.gov

October 11, 2022

Via First Class Mail

Beth Long
341 Orchard View Ave
Martinez, CA 94553

RE: Notice of Case Closure and Right to Sue
Case Number: 202106-14040830
Case Name: Long / Concord Police Department

Dear Beth Long:

The Civil Rights Department (CRD) has closed your case for the following reason: elected court action.

This is your Right to Sue Notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. This is also applicable to CRD complaints that are filed under, and allege a violation of, Government Code section 12948, which incorporates Civil Code sections 51, 51.7, and 54. The civil action must be filed within one year from the date of this letter. However, if your civil complaint alleges a violation of Civil Code section 51, 51.7, or 54, you should consult an attorney about the applicable statutes of limitation.

Please note that if a settlement agreement has been signed resolving the complaint, you may have waived the right to file a private lawsuit. Should you decide to bring a civil action on your own behalf in court in the State of California under the provisions of the California Fair Employment and Housing Act (FEHA) against the person, employer, labor organization or employment agency named in your complaint, below are resources for this.

Finding an Attorney

To proceed in Superior Court, you should contact an attorney. If you do not already have an attorney, the organizations listed below may be able to assist you:

- The State Bar of California has a Lawyer Referral Services Program which can be accessed through its Web site at www.calbar.ca.gov or by calling (866) 442-2529 (within California) or (415) 538-2250 (outside California).
- Your county may have a lawyer referral service. Check the Yellow Pages of your telephone book under "Attorneys."

Filing in Small Claims Court

- The Department of Consumer Affairs (DCA) has a publication titled “The Small Claims Court: A Guide to Its Practical Use” online at of “The Small Claims Court: A Guide to Its Practical Use” online at http://www.dca.ca.gov/publications/small_claims/.
- You may also [order a free copy](#) of “The Small Claims Court: A Guide to Its Practical Use” online, by calling the DCA Publication Hotline at (866) 320-8652, or by writing to them at: DCA, Office of Publications, Design and Editing; 1625 North Market Blvd., Suite N-112; Sacramento; CA; 95834.
- The State Bar of California has information on “Using the Small Claims Court” under the “Public Services” section of its Web site located at www.calbar.ca.gov

Sincerely,

Rosaline Madrigal

Rosaline Madrigal
Associate Governmental Program Analyst
661-395-2770
rosaline.madrigal@dfeh.ca.gov

Cc:

Concord Police Department
1350 Galindo Street
Concord, CA 94520



Civil Rights Department

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
800-884-1684 (voice) | 800-700-2320 (TTY) | California's Relay Service at 711
calcivilrights.ca.gov | contact.center@dfeh.ca.gov

April 3, 2023

Via Email

Harley Valadez

RE: **Notice of Case Closure and Right to Sue**
Case Number: 202203-16368210
Case Name: Valadez / City of Concord Police Department
EEOC Number: 37A-2022-01512
County of Violation: Contra Costa

Dear Harley Valadez:

The Civil Rights Department (CRD) has closed your case for the following reason: **Insufficient Evidence**. The CRD makes no determination about whether further investigation would establish violations of the Fair Employment and Housing Act (FEHA) or other laws. This decision does not mean the alleged claims have no merit or that the respondent is in compliance with the law. No finding is made as to any other issues that might be construed as having been raised by this complaint.

This is your Right to Sue notice. As specified in Government Code section 12965, subdivision (b), you may file your own civil action asserting employment claims under the FEHA within one year of the date of this letter. If you want to file a civil action that includes other claims, you should consult an attorney about the applicable statutes of limitation.

Your complaint is **dual filed** with the United States Equal Employment Opportunity Commission (EEOC). You have a right to request EEOC to perform a substantial weight review of our findings. This request must be made within fifteen (15) days of your receipt of this notice. Pursuant to Government code section 12965, subdivision (d) (1), your right to sue may be tolled during the pendency of EEOC's review of your complaint. To secure this review, you must request it in writing to the State and Local Coordinator:

EEOC Southern California
Roybal Federal Building
255 East Temple Street, 4th Floor
Los Angeles, California 90012
Karrie.Maeda@eoc.gov

You have the right to appeal the decision to close your case. This request must be made within ten (10) days of receiving this letter. Your appeal must include: 1) a summary as to why you disagree with the case closure; and/or 2) any new detailed information (e.g., documents, records, witness information) that supports your claim. If you appeal, the information you provide will be carefully considered. You may appeal this decision by:

Notice of Case Closure and Right to Sue

April 3, 2023

Page 2 of 2

- Email. Send your request to appeals@dfeh.ca.gov and make reference to the case #: 202203-16368210.
- Mail. Send your request to: CRD, Appeals Unit, 2218 Kausen Drive, Suite 100, Elk Grove, CA 95758. Include a copy of this letter and make reference to the case #: 202203-16368210.
- Phone. Call us at 800-884-1684 (voice), 800-700-2320 (TTY), or by using California's Relay Service at 711.

Although the CRD has closed this case, the allegations and conduct at issue may be in violation of the law. You should consult an attorney as soon as possible regarding any other options and/or recourse you may have regarding the underlying acts or conduct.

Below are some resources to assist you in deciding whether to bring a civil action on your own behalf in court in the State of California under the provisions of the FEHA against the person, employer, labor organization or employment agency named in your complaint. To proceed in Superior Court, you should contact an attorney.

- The State Bar of California has a Lawyer Referral Services Program which can be accessed through its website at www.calbar.ca.gov under the "Public" link, or by calling 866-442-2529 (within California) or 415-538-2250 (outside California).
- Your local city or county may also have a lawyer referral or legal aid service.
- The Department of Consumer Affairs (DCA) has a publication titled "The Small Claims Court: A Guide to Its Practical Use" online at www.dca.ca.gov/publications/small_claims. You may also order a free copy by calling the DCA Publication Hotline at 866-320-8652, or by writing to them at: DCA, Office of Publications, Design and Editing, 1625 North Market Blvd., Suite N-112, Sacramento, CA 95834.

Sincerely,

Adele Cox

Adele Cox
Associate Governmental Program Analyst
510-961-7635
adele.cox@dfeh.ca.gov

Cc: via email only: joshua.clendenin@cityofconcord.org

City of Concord Police Department
1950 Parkside Drive
Concord, CA 94519

Joshua Clendenin
1950 Parkside Drive
MS/08
Concord, CA 94519



Civil Rights Department

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
800-884-1684 (voice) | 800-700-2320 (TTY) | California's Relay Service at 711
www.dfeh.ca.gov | contact.center@dfeh.ca.gov

October 18, 2022

Via Email: brittany@vanegaslaw.com

Kristen Krieger
3382 Johnson Road
Lafayette, CA 94549

RE: Notice of Case Closure and Right to Sue
Case Number: 202107-14070202
Case Name: Krieger / Concord Police Department

Dear Kristen Krieger:

The Civil Rights Department (CRD) has closed your case for the following reason: Complainant Elected Court Action.

This is your Right to Sue Notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. This is also applicable to CRD complaints that are filed under, and allege a violation of, Government Code section 12948, which incorporates Civil Code sections 51, 51.7, and 54. The civil action must be filed within one year from the date of this letter. However, if your civil complaint alleges a violation of Civil Code section 51, 51.7, or 54, you should consult an attorney about the applicable statutes of limitation.

Please note that if a settlement agreement has been signed resolving the complaint, you may have waived the right to file a private lawsuit. Should you decide to bring a civil action on your own behalf in court in the State of California under the provisions of the California Fair Employment and Housing Act (FEHA) against the person, employer, labor organization or employment agency named in your complaint, below are resources for this.

Finding an Attorney

To proceed in Superior Court, you should contact an attorney. If you do not already have an attorney, the organizations listed below may be able to assist you:

- The State Bar of California has a Lawyer Referral Services Program which can be accessed through its Web site at www.calbar.ca.gov or by calling (866) 442-2529 (within California) or (415) 538-2250 (outside California).
- Your county may have a lawyer referral service. Check the Yellow Pages of your telephone book under "Attorneys."

Filing in Small Claims Court

- The Department of Consumer Affairs (DCA) has a publication titled “The Small Claims Court: A Guide to Its Practical Use” online at of “The Small Claims Court: A Guide to Its Practical Use” online at http://www.dca.ca.gov/publications/small_claims/.
- You may also [order a free copy](#) of “The Small Claims Court: A Guide to Its Practical Use” online, by calling the DCA Publication Hotline at (866) 320-8652, or by writing to them at: DCA, Office of Publications, Design and Editing; 1625 North Market Blvd., Suite N-112; Sacramento; CA; 95834.
- The State Bar of California has information on “Using the Small Claims Court” under the “Public Services” section of its Web site located at www.calbar.ca.gov

Sincerely,

Nicole Henderson

Nicole Henderson
Employment Investigative Analyst
Telephone: 559.244.4792 | Cellphone: 916.214.9069
Nicole.Henderson@dfeh.ca.gov

Cc:

Concord Police Department
c/o Derek Haynes @ dhaynes@porterscott.com