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March 11, 2020

R.I. Commission for Human Rights
180 Westminster Street, 3rd Floor
Providence, RI 02903

Via Certified Mail:

7016 3010 0000 8240 0437

Re: Michael Clark

Dear Sir or Madam:

Please accept this letter of representation on behalf of Michael Clark. Enclosed please find Mr. Clark's Charge of Discrimination. I would ask that you forward all future correspondence to this office.

Very truly yours

Laura C. Harrington
Laura Harrington, Esq.

Enclosure

CHARGE OF DISCRIMINATION

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

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

FEPA
 EEOC

RHODE ISLAND COMMISSION FOR HUMAN RIGHTS and EEOC

State or local Agency, if any

Name (indicate Mr. Ms. Mrs.)

Mr. Michael Clark

Home Phone (Incl. Area Code)

Date of Birth

or State or Local Government Agency (below.)

Name CITY OF PROVIDENCE, by and through its Treasurer, James Lombardi, and as it operates the Police Department of the City of Providence

No. Employees, Members 15+

Phone No. (Include Area Code) 401-680-5000

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

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

RACE COLOR SEX RELIGION NATIONAL ORIGIN

RETALIATION AGE DISABILITY OTHER (Specify below.)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest Latest
Before 1/7/19 5/31/19

CONTINUING ACTION

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

See attached

Please contact me through my counsel:

Laura C. Harrington, Esq.
Harrington Law Group, PC
513 Broadway
Newport RI 02840
(401) 921-5330

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

XX

NOTARY - When necessary for State and Local Agency Requirements

STEVE MARTINEZ - ID# 750620
Notary Public-State of Rhode Island
My Commission Expires
June 10, 2021

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

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

SIGNATURE OF COMPLAINANT

Michael Clark

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

3/11/2020 *Steve Martinez*

03/11/20
Date

Michael Clark
Charging Party Signature

STATEMENT OF MICHAEL CLARK
IN SUPPORT OF CHARGE OF DISCRIMINATION

1. I have been subjected to discriminatory terms and conditions of employment and unlawful termination due to my race and color by my employer City of Providence, RI. I was hired as a recruit to the 69th Police Academy of the City of Providence for training to join the Providence Police Department upon completion of training. I was employed commencing on or about January 7, 2019 until I was involuntarily dismissed from the Academy on or about May 31, 2019, three weeks before graduation.

2. Throughout my tenure at the Academy, I was subjected to discriminatory terms and conditions, harassed, ostracized and humiliated based upon my race and color and perceptions of me based upon negative racial stereotypes, and ultimately dismissed from the program before I could graduate, foreclosing my opportunity to become a full-time member of the Police Department.

3. I believe that I have been discriminated against on the basis of my race and color (African-American) as follows:

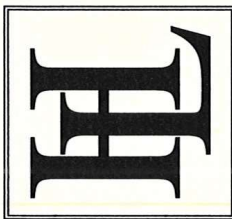
- a. From the outset of the Academy, I was singled out by the training officers running the Academy for the City on the basis of a perception that I did not fit in because I had previously written and performed a song to which they took offense and to which they attributed negative racial stereotypes. The song, which was in the "Christian rap" genre, made reference to black men being killed by police, requests to police "Don't shoot", calls for unity among all people and a cry out to God.
- b. I was singled out from the very first day, when I was taunted by the Training Officers and directed to put on a "durag" and told to sing for the rest of the recruit class. (When I told them I had no songs to sing, I was required to do calisthenics in front of the class and to remain standing in front of the class.)
- c. Thereafter, I was singled out for additional assignments, held out to my peers as someone who did not fit in, subjected to off-the-job surveillance, and subjected to humiliation and harassment by the training officers running the Academy and their superiors in command on behalf of the City throughout my tenure.
- d. I was given extracurricular assignments other recruits were not given and then given demerits based on the Training officers' judgment that I had poorly executed those assignments.
- e. Among the other additional assignments I was given, I was required to write a positive song about the police and required to perform it in front of the Training Officers.
- f. As part of a training exercise on use of a Taser and its impact, while other recruits received a single Taser shock, I was subjected to repeated Taser shocks while I crawled across the floor to a set goal, leaving me bleeding and with my skin burned.

- g. Despite the pervasive harassment, I performed all objective measurements satisfactorily. I continued to pass all of the academic and physical fitness requirements, attended every day of class, passed the field training units, and was in the elite running squad.
- h. Instead of graduating, I was dismissed from the Academy on the basis that I had accumulated too many "demerits."
- i. I believe that the actions of the City were undertaken as part of an ongoing campaign to oust me from the program due to their perception of me as the "wrong kind" of person of color.
- j. These actions are in violation of Title VII of the Civil Rights Act of 1964, as amended, the Rhode Island Fair Employment Practices Act, and the Rhode Island Civil Rights Act, as well as a violation of my rights under the First and Fourteenth Amendments to the United States Constitution (I recognize that the latter claims are beyond the Commission's jurisdiction).
- k. As a direct result of these actions, I have been denied the opportunity to pursue a career in law enforcement, subjected to sustained and outrageous humiliation, lost and continue to lose substantial economic opportunities, compensation and benefits and have suffered and continue to suffer non-economic injuries, including personal humiliation, embarrassment and distress.

Because I intend to pursue this matter in federal court at the earliest opportunity, I respectfully pray that each Commission terminate its proceedings as early as possible and issue me a Notice of Right to Sue thereon.

03/11/20
Date

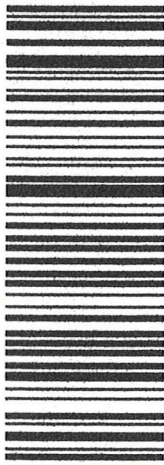
x / Michael Clark
Charging Party Signature



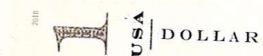
Harrington Law Group
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PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE.

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R.I. Commission for Human Rights
180 Westminster Street, 3rd Floor
Providence, RI 02903

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

R.I. Commission for Human Rights
180 Westminster Street, 3rd Floor
Providence, RI 02903

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? Yes
if YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
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4. Restricted Delivery? (Extra Fee) Yes

2. Article Number
(Transfer from service label)

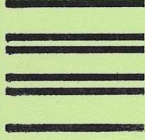
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PS Form 3811, February 2004

Domestic Return Receipt

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