

College motions to end Campus Police lawsuit

With accusations and denials of discrimination on the table, the next step for the College may be the civil courthouse.

Three black Campus Police officers filed a complaint with the College against three of their white counterparts in 2007 with allegations of race-based discrimination. Now the College is facing civil action.

The next phase of the lawsuit against the College is looming — a pre-trial decision that will determine if enough evidence exists for a trial. The ongoing lawsuit involving six members of Campus Police and the College awaits a decision regarding a motion for summary judgment filed in the Mercer County Superior Court by the College — which will determine whether the case goes to trial or is thrown out. The ruling on the pre-trial motion is scheduled for Dec. 2, according to Darlene Duffy, secretary to Judge Darlene Pereksta, who will deliver the decision. If the motion isn't granted, the trial is scheduled for Jan. 10.

When contacted for individual comment, all parties involved declined. Stacy Schuster, executive director of College Relations, said, "The College is precluded from commenting on pending litigation." Collins also said he was unable to discuss the case. The following information is taken from depositions and investigative reports by the College.

The College looks into allegations

The allegations of race-based discrimination fueled an investigation by the College — within the 60 days required by the state — consisting of a number of interviews with other officers. The conclusion was that "some form of racial discrimination had occurred," according to a deposition by Vivian Fernandez, associate vice-president for Human Resources, which targeted Security Officers Wayne Evans and Armond Harris, and Police Officer Lorenzo Shockley — the only black members of the department.

Sgt. Raymond Scully and Officers Matthew Mastrosimone and Kevin McCullough received letters notifying them of pending discipline on Dec. 20, 2007, according to the letter of Final Notice of Disciplinary Action dated March 27, 2008. Scully faced a six-day suspension while Mastrosimone and McCullough were suspended for two days. The three appealed the suspensions but were denied.

Working with the 'A-team'

The allegations against Scully, Mastrosimone and McCullough stem from a number of incidents according to the testimony of Shockley, Evans and Harris. Accusations range from giving the plaintiffs cold shoulder to using "racially charged nicknames," according to their testimonies.

Officer James Lopez said in court depositions that the accused officers referred to themselves as the "A-team," when the campus police department was still organized by squads. The "A-team" "worked with each other and no one else unless it was an overtime event or overtime position," he said. According to Chief John Collins, this system changed when he instituted a rotating system in the spring of 2008, shortly after he began working for Campus Police.

"It gave me a chance to send the message that everyone has to work with everyone else," he said.

According to the Discrimination Complaint Investigation Report compiled by the Office of Human Resources, Lopez witnessed the accused "imitating and mocking Security Officer Evans' accent." He testified that the three officers referred to Evans and Harris as "useless." Lopez also said that the squad would particularly scrutinize Shockley's reports, critiquing the reports to point out spelling mistakes and mock his work.

Evans said in court depositions that Lopez informed him that the squad referred to him and a former officer as "Crocket and Tubbs" — an apparent reference to "Miami Vice" — and "Salt and pepper." Human Resources interviews with Lopez also indicated that he had overheard the squad refer to Evans, Shockley and Harris as "shadows" and "chocolate chips." During field training around June 2007, according to the Office of Human Resources report, Lopez said he witnessed the following exchange:

Scully: "I didn't see the shadows tonight, have you?"



McCullough: "I haven't seen the shadows."

Mastrisimone: "I haven't seen the shadows either."

Scully: "Let's keep looking."

Despite other officers' witnessing derogatory language, the plaintiffs never heard it directly, they said in depositions — a fact cited for the College's motion for summary judgment.

Scully, Mastro Simone and Harris all "categorically denied the use of derogatory terminology," according to the Human Resources report. Following the suspension of the three officers, no further instances of discrimination occurred after the investigation and temporary separation, according to depositions of Harris, Evans and Shockley.

Other incidents

In addition to indirectly learning of "racially charged nicknames and slurs," a number of incidents have been presented as evidence of disparate treatment. Shockley said in his deposition that he was assigned to foot patrol — which he said is more demanding than car patrol — more often than his fellow officers. However, in the brief in support of the College's motion for summary judgment, Paula Dow, New Jersey attorney general, cited Shockley's admission to falling asleep in his patrol car on numerous occasions as justification for repetitive foot patrol assignments. Interviews with Scully in the Office of Human Resources report suggest that Evans and Harris changed their attitudes toward the squad after Scully wrote him up for the incident.

Evans said in depositions that Scully scolded him in front of staff members for having a key to a fire alarm box "in order to belittle (him)." In another instance, according to Evans' testimony, Scully loudly told Evans and Harris that they could not go on break simultaneously, though the two were just going to grab their raincoats.

According to Harris' depositions, Mastro Simone lied on a police blotter by writing that Harris had neglected his duties by refusing to escort a student during a lightning storm. Harris said Evans was originally scheduled to perform the escort, and Harris asked to have the student stay inside or have a "rolling escort" escort the student.

Another voice

Sgt. Marcie Montalvo also testified in the Human Resources report that she'd witnessed Scully and McCullough refer to the plaintiffs as "useless," and has heard Scully say he "doesn't like those frickin shadows."

When asked by lawyer Mark Pfeffer, who is representing the plaintiffs, during her deposition if she thought conditions have improved, she said interaction between the officers involved has been minimal.

"I wouldn't say better. I mean, you can still sense that there is tension in the air," she said.

Allegations of offensive remarks aimed at Montalvo also surfaced during these interviews. Lopez said, according to the report, that the squad complained that Montalvo's military status — she is in the military reserve — makes her a liability and that she doesn't deserve the position. Lopez said he heard members of the squad imitating Montalvo using a "high pitch voice," saying things such as "I'm a stupid person, stupid female." The report also indicates that Officer John Turner heard McCullough refer to Montalvo as an "administrative whore." The respondents deny making any deprecatative comments involving Montalvo.

All six members of Campus Police involved in the case remain employed by the College.

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This article has been revised with the following correction:

On November 17, The Signal published "College motions to end Campus Police lawsuit," attributing depositions to Lt. James Lopez. The quotes are actually attributed to Officer James Lopez. We regret the error.