

**The Commonwealth of Massachusetts
Commission Against Discrimination
One Ashburton Place, Boston, MA 02108
Phone: (617) 994-6000 Fax: (617) 994-6024**

RECEIVED

MAY 1 2017

N B POLICE

4/25/2017

New Bedford Police Headquarters
Attn: Human Resources
871 Rockdale Avenue
New Bedford, MA 02740

RE: Charles P Perry vs. New Bedford Police Headquarters
MCAD Docket Number: 17NEM00941
EEOC/HUD Number: 16C-2017-01230

Dear Respondent:

The Massachusetts Commission Against Discrimination (MCAD) has received the above complaint of discrimination which alleges that you have committed an act of discrimination against the complainant. A copy of that complaint is enclosed.

State law requires the Commission to impartially review the allegations in that complaint. The Commission has assigned one of its staff, Evan Coleman, to investigate the complaint. This MCAD investigator will keep the parties informed of the course of the investigation.

State law requires that you submit a formal written answer to the complaint, called a Position Statement. This Position Statement must be submitted within twenty-one (21) days of receipt of this notification. The Position Statement **must be signed under the pains and penalties of perjury**. A copy must also be forwarded to the Complainant at the address listed on the enclosed complaint. Failure to file a Position Statement or other response within the prescribed time may result in sanctions being imposed in accordance with 804 CMR 1.16.

In order to reduce the time necessary to investigate and resolve complaints of discrimination, the MCAD schedules an Investigative Conference with the parties shortly after the complaint is filed. Information about that Conference is included with this notice.

An Investigative Conference regarding the above complaint will be held at the Commission's Offices, One Ashburton Place, Boston, MA, at 02:30 PM on 08/24/17. You are required to attend this Conference.

One important purpose of this Conference will be to determine whether the parties are willing to consider a rapid, informal and voluntary resolution of this dispute. The Commission encourages such resolutions as an alternative to the often lengthy and expensive litigation process.

Please be advised that Position Statements are to be addressed to Marzella Hightower, Administrative Assistant. If you have any questions concerning Position Statements please call 617-994-6078.

If you have any questions pertaining to the Investigative Conference, please contact Evan Coleman at 617-994-6051.

Sincerely,

Evan Coleman
Investigator

Cc:

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MAY 02 2017

OFFICE OF THE CITY SOLICITOR
CITY OF NEW BEDFORD

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

New Bedford Police Headquarters
Attn: Human Resources
871 Rockdale Avenue
New Bedford, MA 02740

Person Filing Charge: Charles P Perry
This Person (Check One): Claims to be aggrieved
 Is filing on behalf of
Date of Alleged Violation: 04/24/17
Place of Alleged Violation: New Bedford, police station
EEOC Charge Number: 16C-2017-01230
MCAD Docket Number: 17NEM00941

NOTICE OF CHARGE OF DISCRIMINATION WHERE AN FEP AGENCY WILL INITIALLY PROCESS (See Attached Information Sheet For Additional Information)

You are hereby notified that a charge of employment discrimination under

- Title VII of the Civil Rights Act of 1964
- The Age Discrimination in Employment Act of 1967 (ADEA)
- The Americans Disabilities Act (ADA)

Has been received by

- The EEOC and sent for initial processing to MCAD
(FEP Agency)
- The Mass. Commission Against Discrimination
(FEP) Agency and sent to the EEOC for dual filing purposes.

While the EEOC has jurisdiction (upon the expiration of any deferral requirements if this is a Title VII or ADA Charge) to investigate this charge, EEOC may refrain from beginning an investigation and await the issuance of the Agency's final findings and orders. These final findings and orders will be given weight by EEOC in making its own determination as to whether or not reasonable cause exists to believe that the allegations made in the charge are true.

You are therefore encouraged to cooperate fully with the Agency. All facts and evidence provided by you to the Agency in the course of its proceedings will be considered by the Commission when it reviews the Agency's final findings and orders. In many instances the Commission will take no further action, thereby avoiding the necessity of an investigation by both the Agency and the Commission. This likelihood is increased by your active cooperation with the Agency.

- As a party to the charge, you may request that EEOC review the final decision and order of the above named Agency. For such a request to be honored, you must notify the Commission in writing within 15 days of your receipt of the Agency's issuing a final finding and order. If the agency terminates its proceedings without issuing a final finding and order, you will be contacted further by the Commission. Regardless of whether the Agency or the Commission processes the charge, the Recordkeeping and Non-Retaliation provisions of Title VII and the ADEA as explained on the second page of this form apply.

For further correspondence on this matter, please use the charge number(s) shown.

- An Equal Pay Act Investigation (29 U.S.C 206(d)) will be conducted by the Commission concurrently with the Agency's investigation of the charge.
- Enclosure: Copy of the Charge

Basis of Discrimination

- | | | | | |
|-------------------------------|-------------------------------------|--------------------------------------|-----------------------------------|--|
| <input type="checkbox"/> Race | <input type="checkbox"/> Color | <input type="checkbox"/> Sex | <input type="checkbox"/> Religion | <input type="checkbox"/> National Origin |
| <input type="checkbox"/> Age | <input type="checkbox"/> Disability | <input type="checkbox"/> Retaliation | <input type="checkbox"/> Other | |

Circumstances of alleged violation:

SEE ENCLOSED COPY OF THE CHARGE OF DISCRIMINATION (or EEOC FORM 5)

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The Commonwealth of Massachusetts
Commission Against Discrimination
One Ashburton Place, Boston, MA 02108
Phone: (617) 994-6000 Fax: (617) 994-6024

MCAD DOCKET NUMBER: 17NEM00941

EEOC/HUD CHARGE NUMBER: 16C-2017-01230

FILING DATE: 04/24/17

VIOLATION DATE: 04/24/17

Name of Aggrieved Person or Organization:

Charles P Perry
[REDACTED]

New Bedford, MA 02740

Primary Phone: [REDACTED]

Named is the employer, labor organization, employment agency, or state/local government agency who discriminated against me:

New Bedford Police Headquarters

Attn: Human Resources

871 Rockdale Avenue

New Bedford, MA 02740

Primary Phone: (508)991-6300 ext. _____

No. of Employees: 25+

Work Location:

Cause of Discrimination based on:


Race, Color, Black (Non-Hispanic).

The particulars are:

I, Charles P Perry, the Complainant believe that I was discriminated against by New Bedford Police Headquarters, on the basis of Race, Color. This is in violation of M.G.L. 151B Section 4 Paragraph 1 and Title VII.

1. In 1987, I began working for Respondent as a Police Officer. I identify my race and color as Black.
2. In 2016, Joseph Cordeiro became the Chief of Police.
3. In Fall of 2016, a civilian informed me that Mr. Cordeiro and [REDACTED] engaged in conversations about not liking Black people.
4. On January 3, 2017, Mr. Cordeiro sent an email with a quote from Teddy Roosevelt stating, "This year, I will be stronger, braver, kinder and unstoppable. This year I will be fierce." I replied to the email stating "All your quotes are a bunch of bullshit -Charles Perry".
5. On January 5, 2017, Lieutenant Richard Resendes submitted a written complaint about my email to the Internal Affairs Unit.
[REDACTED]
7. On April 5, 2017, I reported to Human Resources that I was offended by the emails from Chief Cordeiro of Teddy Roosevelt, who I felt was a bigot. Following my complaint, the emails with the quotes stopped briefly; however, they continue to be sent.
8. On April 20, 2017, I attended a hearing and received notification I would be suspended for one day for violation of Respondent's computer policy, insubordination and social media policy. I was also removed from my special assignment of the criminal records division.
9. I am aware, [REDACTED] White, was removed from his assignment for posting on social media.
10. I believe I am being treated differently due to my race and color for receiving discipline for emails; therefore, I charge Respondent with discrimination on the basis of race and color.
11. See Attached statement

I hereby verify, under the pains and penalties of perjury, that I have read this complaint and the allegations contained herein are true to the best of my knowledge.


(Signature of Complainant)

I spoke with a civilian, who I have known for decades. I was informed that Chief Joseph Cordeiro and [REDACTED] would engaged in conversations about how they don't like black people. This extremely affected me with how I perceived these 2 men. Every sight of them I became upset and wanted to verbal tell both of them I know they don't like black people. However, I just kept it to myself. This knowledge has now created a tense working environment for me, because all 3 of us were assigned to New Bedford Police Headquarters, 871 Rockdale Ave.

Throughout the conclusion of 2016, I held back and wanted to speak out. [REDACTED]

[REDACTED] The start of the year began as follows:

The transfer of [REDACTED] was something New Bedford Police Department knew was going to happen as the rumors started to spread. It did and they were replaced by other police officers. That happens with special assignments. However it didn't sit well with me and many others. [REDACTED]

[REDACTED] They were both good workers and good friends of mine.

On a daily basis, we as a department receive daily emails with quotes. These quotes have no essential benefit to the rank and file. Chief Cordeiro removed [REDACTED] on

On January 5th I emailed this quote through the department email. It was my own personal quote. This is no different from emails selected by Chief Cordeiro. We are both employees of New Bedford Police Department using an email system. If my emails are a violation, so isn't his. However the City of New Bedford Mayor Jon Mitchell and the Chief Cordeiro feel I am in violation and they are not.

CP
"All your quotes are a bunch of bullshit. Off. Charles Perry, Jr."

B&W

Everything seems black and white in this world, but it's all about power. The power to be in place to do good, bad or ugly is truly the sovereignty. B&W is just token colors on token faces to keep the power from having dirty hands when sweeping up the powerless. Cowardly kicking the use of B&W things.

Charles Perry Jr.

After reading these emails I was told by Lt. Ricard Rezendes, he had to write me up for the emails. He stated he didn't need to know I wrote them, but he had to write me up. This led to the internal affairs investigation.

On January 3, 2017, we received the following quote:

"This year I will be stronger, braver, kinder, and unstoppable. This year I will be FIERCE!"

Teddy Roosevelt

I responded to this email as follows:

The views of Teddy Roosevelt is racist. He once called the Japanese, "slant-eyed yellow bastards" he is also associated with the infamous "White Man's Burden". This quote surely upsets me as a black man especially coming from a bigot Teddy Roosevelt. Mass General Law Ch. 151B violation.

Knowing it all it makes me FIERCE and truly very agitated to sound out every chance I get that I am being led by a man, who tolerates quotes from bigots and shares it for all to see. If I quote Adolf Hitler, Malcolm X or Black Panther Leader Huey Newton would that be tolerated.

In this short period of time I have no confidence that any minority that seeks employment or is employed by NBPD they will never receive any fairness under the leadership of Chief Cordeiro. I am seeking discipline to be handed out against the Chief of Police and all that tolerate his actions. Secondly, I am seeking protections under the Whistleblowers Act.

I met with Deputy Chief Oliveira expressing my concern over the unfair treatment of minority officers compared to white officers. Minority officers were being asked to resign or get fired while white officers were just suspended. This may have alerted the Chief of the perception in his discipline. In the week of 4/20/2017 he aggressively suspended or discipline 3 white officers ([REDACTED]) and 1 black officer (Off. Perry).

On 4/5/2017, I went to Personnel to meet with Human Resource Director Sandra Vezina. I complained about the offensive email from Chief Cordeiro. I just wanted the emails to stop department wide. I also was thinking of filing a MCAD complaint, but I wanted to exhaust all means with the City of New Bedford.

On 4/14/2017, I received an email from Deputy Chief Paul Oliveira that the Chief wants to meet with me regarding the outcome of my internal affairs investigation. This was for 4/20/2017 at 3:30 p.m.

This is suspect because I just went to complain about Chief Cordeiro and now my case is being heard and discipline decided after 3 months in internal affairs. This is retaliation against me.

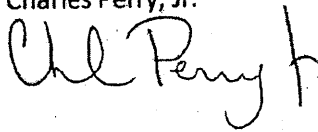
On 4/20/2017, I was suspended for 1 day. Removed from my current assignment in the Criminal Records Division to Patrol Division as of April 23, 2017. In a written analysis by Chief Cordeiro, approved by the City of New Bedford Mayor Jonathan Mitchell and its Human Resource Department my action in this matter are significant violations of the New Bedford Police Department Rules and Regulations and General Order and must be taken seriously. In the Chief's disposition he writes that he also reviewed a case in 2014, Internal Affairs case [REDACTED] when I sent an email. This email was sent out due to the fact the department was bypassing qualified police candidates. This was proven to be right, because Civil Service reviewed one case, which a candidate, [REDACTED] was bypassed. [REDACTED]

[REDACTED] All emails sent out by me and mentioned by Chief Cordeiro were all objection to the way he and New Bedford Police treated minorities on or off the job. Based on my Union rights I am entitled to voice my opinion over injustices. Everyone that disputes him receive discipline and at times suspension and or removal from any special assignment they may be assigned to within the department. I was suspended and removed from my assignment. During the time in Criminal Records Division I worked under the supervision of Lt. Rezendes, who never had to discipline me for anything other than an email sent out. He did so, because he was told to by his supervisor, which only could be Deputy Chief Paul Oliveira and or Chief Joseph Cordeiro.

CP

On 4/19/2017, New Bedford Guide posted on Facebook I was running for Mayor. On 4/20/2017, The Standard Times printed an article I was running for Mayor. I am now being punished financially and excessively with a 1 day suspension with no pay and removed from my assignment in the Record Room. I come to work and do my work above and beyond my assignment duties. It is all excessive because I am expressing my Union rights to speak up on injustices within the police department. I went to the Deputy Chief and then I was referred to HR. In doing so, I am punished by sending emails and the Chief of Police can email quotes from an infamous bigot for all to see and nothing happens to him. What is the purpose for signing and attending Harassment seminars when the Chief of Police and the Mayor of the City of New Bedford do not take these issues serious when it applies to them?

Charles Perry, Jr.

A handwritten signature in cursive script that reads "Chl Perry Jr". The signature is written in dark ink and is positioned below the typed name.

CP