

EXHIBIT 1

**UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND**

HISPANIC NATIONAL LAW
ENFORCEMENT ASSOCIATION NCR, *et*
al.,

Plaintiffs,

v.

PRINCE GEORGE'S COUNTY, *et al.*,

Defendants.

Civil Action No.: 8:18-cv-03821

Hon. Theodore D. Chuang

**DECLARATION OF
HISPANIC NATIONAL LAW ENFORCEMENT ASSOCIATION NCR**

I, Joseph Perez, upon my personal knowledge, hereby submit this declaration pursuant to 28 U.S.C. § 1746 and declare as follows:

1. I am a member and President of Hispanic National Law Enforcement Association National Capital Region (“HNLEA”).
2. HNLEA is a 501(c)(3) non-profit membership association incorporated in Virginia. It is an organization of professionals involved in the administration of justice and dedicated to the advancement of Hispanic (Latino) and minority interests in the law enforcement profession.
3. Founded in 1988, HNLEA currently has one chapter with membership that resides in the District of Columbia, Maryland, and Virginia.
4. HNLEA is open to all employees of the Prince George’s Police Department (“PGPD” or “the Department”), and has a membership of approximately 100 members, including individual Plaintiffs Richard Torres, Michael Anis, and Michael Brown, as well as myself.

5. HNLEA's mission includes unifying Hispanic (Latino) and minority law enforcement employees in all communities throughout the United States by serving as positive liaisons between the Hispanic (Latino) and minority officers and the community.
6. HNLEA works in tandem with the United Black Police Officers Association ("UBPOA") on advocacy and charitable projects. For instance, HNLEA and UBPOA co-sponsor the Strength in Unity Banquet with other law enforcement organizations, and participated in a food drive that benefitted those who were affected by Hurricane Maria in 2017.
7. HNLEA's initiatives foster more diversity and equitable employment practices within PGPD. HNLEA's mission also includes the improvement of the Department's culture of diversity and the betterment of the employment circumstances of its members. For instance:
 - HNLEA is currently engaged in an effort to expand the employment opportunities for qualified Hispanics (Latinos) and minorities entering law enforcement.
 - In 2018, HNLEA and UBPOA partnered with the National Organization of Black Law Enforcement Executives, the American Civil Liberties Union of Maryland, the Washington Lawyers' Committee for Civil Rights and Urban Affairs, and other civil rights groups to file an amicus curiae brief in support of former Pocomoke City Police Chief Kelvin D. Sewell, the Town's first Black police chief, who became a target of retaliation and discrimination.
 - On September 18, 2018, HNLEA and the Hispanic American Police Commanders Association ("HAPCOA") participated in a diversity speaker's panel hosted by the United States Capitol Police's Office of Inclusion, Diversity, Equity, and Action (I.D.E.A.) at the Capitol Police Headquarters.
8. PGPD's culture and policy of failing to appropriately discipline white officers who engage in racist behavior and/or other misconduct relative to civilians undermines HNLEA's mission to promote positive relationships between officers of color and the communities that they are sworn to serve. For instance, a male Hispanic Officer who is a HNLEA member and was a Captain in Internal Affairs ("IA") noticed that another officer used a racial slur during training. The HNLEA member had to complain to his Major before that officer's initial lenient charge of conduct unbecoming an officer was appropriately changed to racial

language, a Category 4 offense that requires a trial board. In another instance, a white female officer hit a black female civilian who was handcuffed and wearing a seatbelt. That officer's use of force charge was lowered to a verbal reprimand and a \$500 fine. When the HNLEA member complained, he was told by the Commander of IA to "work it out" with the Major. The HNLEA member was transferred from IA nine months later, and retired after 3.5 years as a Major because he was not selected for a promotion Deputy Chief that instead went to a less qualified white male and believed that his career path had been stunted at PGPD.

9. PGPD's policy and practice of disciplining officers of color more harshly than similarly situated white officers undermines HNLEA's mission of fostering a diverse police force with equitable employment practices. For instance, on October 13, 2014, another male Officer who is a HNLEA member was arrested for a DUI after he stopped and fell asleep in his personal vehicle near an airport in North Carolina. The HNLEA member paid a \$100 fine to recover his license and served no jail time. When he notified his superiors in PGPD of the incident, the HNLEA member was placed on suspension pending an investigation. In June 2016, PGPD charged the HNLEA member with conduct unbecoming an officer, suspended him without pay for 120 hours, reduced his rank by two paygrades, made him ineligible to test for promotion for one year, and required him to participate in an alcohol abuse program within a year. The HNLEA member was told to either accept the punishment or be terminated. No other officer has ever faced termination for a DUI, although there are both documented and non-public incidents of officer-involved collisions while operating under the influence. Upon information and belief, other officers drink very regularly and operate vehicles. Yet when officers are charged, PGPD punishes officers of color more severely.

10. HNLEA works with both the PGPD and the Prince George's County community to engage in public education and charitable initiatives, especially those that support youth of color. Such initiatives include the Annual Food Baskets Drive, Operation I.D., Christmas Toys for Tots, the Hispanic Festival, citizenship classes, and summer camp programs. HAPCOA, HNLEA, and UBPOA participated in the Body Worn Camera Expert Panel hosted by the U.S. Department of Justice's (DOJ) Office of Justice Programs' Bureau of Justice Assistance (BJA) on February 27, 2015. Between 2017 and 2018, HNLEA (with UBPOA) and other law enforcement organizations participated in four bike giveaways, including Halloween Bikes for Kids in the Community. HNLEA will support HAPCOA's 45th Annual National Training Symposium and Career Fair on April 29th, 2019.
11. HNLEA advocates for legislation that strengthens police and community relations. For instance, on January 24, 2019, HNLEA (with UBPOA) held an event on Police Accountability. HNLEA (with UBPOA) advocated for and provided testimony in support of Maryland House Bill 698, Public Information Act, a bill related to the public availability of alleged job-related misconduct by law enforcement officers. HNLEA and UBPOA supported the Public Information Act because of the need for transparency between law enforcement and the communities that they are sworn to protect.
12. HNLEA and UBPOA were also members of the Equality for Promotions, Discipline, and Practices panel ("the Panel"), which was convened in March 2017. The Panel, comprised of PGPD officers, government officials, community members, and academics, was convened to hear public and private testimony from PGPD representatives, private organizations, and individuals. The Panel's last meeting was on January 9, 2018.

13. Because of PGPD's discriminatory and retaliatory conduct against HNLEA's members, HNLEA has had to shift attention and resources from serving the Prince George's community. HNLEA (with UBPOA) filed a letter of complaint concerning Defendants' discriminatory and retaliatory actions, as described in the Complaint, with the DOJ on March 1, 2016, and filed amended complaints on October 31, 2016. HNLEA (with UBPOA) submitted additional information for the complaint on January 24, 2017; February 10, 2017; February 22, 2017; April 12, 2017; July 25, 2017; and October 15, 2017.
14. Since 2016, the complaints filed with the Equal Employment Opportunity Commission ("EEOC") against PGPD have risen approximately 600 percent. In addition to cooperating with the DOJ's investigation, HNLEA has had to devote significant time and attention to counseling and assisting its members to navigate various redress processes to combat retaliation and discrimination within PGPD. Many officers of color have contacted HNLEA and UBPOA for guidance about discrimination that they have faced within PGPD and HNLEA and UBPOA leadership have devoted significant time and organizational resources to assisting as many officers as possible. The number of officers of color who have experienced discrimination within PGPD impedes HNLEA's ability to provide individualized guidance to each officer.
15. PGPD uses transfers and other disciplinary tactics to retaliate against and make examples of HNLEA and UBPOA members. As a result, officers within PGPD, particularly officers of color are intimidated to be photographed at events, support fundraisers, or be otherwise publically associated with HNLEA and UBPOA. For instance, in the past, HNLEA, UBPOA, and HAPCOA co-hosted the Strength In Unity Awards Banquet annually to fund

community programs. HNLEA and UBPOA have not been able to host the banquet since 2016.

16. PGPD's retaliation against HNLEA and UBPOA and their members have negatively impacted the organizations' ability to engage in charitable activities. For instance, HNLEA (with UBPOA), HAPCOA, and other law enforcement groups have sponsored the Annual Food Baskets Drive for Needy Families for 18 years. The coalition was able to provide over 1000 food baskets for families in need in 2018. In the past, the event was held in partnership with PGPD and was typically held at a building provided by the County. Every year prior to 2015 when Chief Stawinski took office, PGPD issued a press release as well as a reminder to all officers that attendance was required at this and other community events. Beginning in December 2015, PGPD refused to co-sponsor the event, falsely claiming that it no longer partnered with community groups on such events. Without PGPD's partnership, HNLEA and UBPOA were unable to secure a building to hold the event. HNLEA and UBPOA also lost the partnership of the radio station that historically provided live coverage of the event ("El Zol" 107.9) as well as Prince George's County Crime Solvers, Inc., which provided \$1200 to buy materials needed to distribute the donations. And since PGPD pulled its support, the total number of officers who support the Annual Food Baskets Drive has also dropped by about 75 percent, which has led to less donations and diminished community engagement.

17. PGPD's custom and policy of discrimination and retaliation have also diminished HNLEA's ability to fundraise and frustrate its missions. Since 2016, HNLEA and UBPOA have had to rely solely on membership dues and personal funds in order to maintain basic operations. However, in 2018, HNLEA stopped collecting membership dues because of the

pervasive fear and hesitation among officers of color in PGPD to freely associate with HNLEA and UBPOA, including attending regular meetings and events. As a result of their diminished ability to fundraise, HNLEA and UBPOA have not been able to fund various community related programs and initiatives. For instance, HNLEA has not been able to host the awards luncheon for volunteers who assist with the Annual Food Baskets drive, and has scaled back back-to-school donations of backpacks and school supplies for area children. HNLEA and UBPOA have been able to secure bicycle donations from area businesses, but typically use their own funds to buy helmets to include in giveaways for children in the area. However, HNLEA has only had sufficient funds and member donations to buy helmets for four of the seven planned giveaways in the last 18 months.

18. PGPD's discriminatory conduct and the fearfulness caused by its retaliation against members affect the choices that HNLEA makes as an organization and strains our already stretched organizational capacity. PGPD continues to impede our ability to serve our members and foster better relationships between law enforcement and the Prince George's community.

DATED: March 12, 2019



Joseph Perez
President
HNLEA