

IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS
DIVISION _____

ALICE FULK and CRISTINA PLUMMER

PLAINTIFFS

No. 60CV-20-_____

**KEITH HUMPHREY and
CITY OF LITTLE ROCK, ARKANSAS**

DEFENDANTS

COMPLAINT

COMES NOW Plaintiffs Alice Fulk and Cristina Plummer, (“Plaintiffs”), by and through their attorneys Degen Clow and Chris Burks of WH Law, PLLC, and for their Complaint against Defendants Keith Humphrey and City of Little Rock, Arkansas, they do hereby state and allege as follows:

I. Preliminary Statements

1. Chief Humphrey retaliated against LRPD Assistant Chief Alice Fulk for her testimony in the Charles Starks case by giving her a negative performance review, denying her the same training opportunities given to others, lashing out at those that support Fulk in remarkably sexist language, and covering-up in his own words a “hostile work environment and gender discrimination” case.

2. The retaliation started as soon as Assistant Chief Alice Fulk testified about the rushed investigation into Bradley Blackshire’s death.

3. The very next day after Fulk’s testimony, Chief Humphrey yelled at Fulk and closed off part of the command staff space that Fulk had traditionally used. All other employees of the chief’s office continue to be able to utilize this space and use the same door, but not Fulk.

4. Chief Humphrey then proceeded to give Fulk a negative performance review in December of 2019. This review severely impacts Fulk's ability to earn a new job or promotion.

5. Rather than let Humphrey's negative review of Fulk be enough—Humphrey has progressively gotten worse and continued regularly attacking Fulk for the job she is doing. Humphrey has continued to deny Fulk and Plummer the training they request.

6. To top it off, Humphrey admits in writing that that there was a “hostile work environment,” and that there is a “very compelling case” for “gender discrimination.”

7. Yet rather than have an Internal Affairs investigation into Humphrey and these serious issues, when confronted, Humphrey merely transfers officers to new divisions and shuts down Internal Affairs investigations to cover up these very serious legal issues.

II. Parties, Jurisdiction and Venue

8. Plaintiffs were at all times relevant to this complaint citizens and residents of Arkansas and work for the Little Rock Police Department in Pulaski County, Arkansas.

9. Even though Defendant Keith Humphrey swore his address was 3308 Quidnet Rd., Norman OK 73071 in the judgment entered against him on September 06, 2019, he has been the Police Chief of the City of Little Rock Police Department since April 15, 2019.

10. The City of Little Rock is a municipality of the State of Arkansas. It hired, conducted a search with a job application requiring honest statements, and employs Keith Humphrey.

11. This suit alleges common law causes of action against the Defendants which occurred in the State of Arkansas, and this suit seeks damages as a relief.

12. The subject matter jurisdiction and venue are proper in Pulaski County Circuit Court.

13. The Defendants are subject to this Court's personal jurisdiction as well.

III. Facts Which Entitle the Plaintiffs to Relief

14. Plaintiffs work for Defendants.

15. Plaintiff Alice Fulk is an Assistant Chief. Plaintiff Cristina Plummer is a Lieutenant.

16. Cristina Plummer and Alice Fulk consistently receive excellent job performance evaluations for their work.

17. On April 19, 2019, Humphrey, through Assistant Chief Bewley directed that the Internal Affairs investigation into Starks' shooting of Blackshire be completed by the end of the weekend and to exclude Fulk from this process so that she would not know it was rushed.

18. Humphrey did not like that Fulk had friends in the department who, like her, would not cut whatever corner Humphrey demanded.

19. So on May 14, 2019, Humphrey confronted Fulk about Plummer's position, and Fulk responded that Humphrey should stop punishing Plummer for her association with Fulk.

20. On July 25, 2019, Fulk, along with Sgt. Tory Trammell and fellow Assistant Chief Hayward Finks testified that Charles Starks was denied rights under the Arkansas Civil Rights Act and that the investigation into Blackshire's shooting was rushed.

21. This testimony contradicted Chief Humphrey and cast his leadership in a bad light.

22. The very next day on July 26, 2019, Chief Humphrey yelled at Fulk and closed off part of the command staff space that Fulk had traditionally used. Humphrey slammed doors in anger.

23. At a command staff meeting on August 20, 2019, Fulk was present when Chief Humphrey refused to initiate an Internal Affairs investigation into the Blackshire shooting and protests.

24. Instead, on August 30, 2019, Humphrey attempted to open an untruthfulness investigation against Plummer.

25. The environment in the command staff continued to deteriorate throughout the fall, including with the arrest of Director Richardson in October of 2019.

26. On October 4, 2019, Humphrey told Plummer that he heard of Fulk always takes care of her. Humphrey had previously told Fulk on May 14, 2019, that he wasn't going to allow Plummer to work for her in the Field Services Division.

27. Chief Humphrey then proceeded to give Fulk a negative performance review in December of 2019. In the review, Chief Humphrey saw fit to criticize Fulk's attire, when he himself frequently wore jeans to the office.

28. Further, Humphrey graded Fulk negatively for not completing a strategic plan, when in fact she had given exactly such a plan to City Manager Bruce Moore and the prior Chief.

29. Humphrey graded Fulk negatively for allegedly not acting decisively enough, but in fact it is Humphrey who acts impulsively, such as transferring two lieutenants via text and other haphazard personnel actions not according to policy or law.

30. Humphrey had never raised any of these supposed negative aspects about Fulk to her before this review.

31. This review severely impacts Fulk's ability to earn a new job or promotion.

32. Rather than let Humphrey's negative review of Fulk be enough, Humphrey has progressively gotten worse and continued regularly attacking Fulk for the job she is doing. Humphrey has continued to deny Fulk and Plummer the training they request.

33. Specifically, Humphrey has not allowed more than one person to attend the National Association of Women Law Enforcement Executives (NAWLEE) conferences in 2019 and 2020, yet approved five people to attend the National Organization of Black Law Enforcement Executives (NOBLE) conference in 2019 and two more to attend in 2020.

34. Humphrey denied Plummer attending the 2020 NAWLEE conference on the supposed rationale that she had attended before, but Humphrey approved those to attend NOBLE who attended last year.

35. On January 21, 2020, Alice Fulk's testimony about the Blackshire investigation was incorporated into the Circuit Court case made by Officer Starks in front of Judge Tim Fox.

36. When the issue of what to do about Starks and the concomitant questions of truthfulness were raised after Judge Fox's later contempt ruling and Judge McGowan's ruling in a case with Officer Drew Talbert, Humphrey stated that he did not give a damn about truthfulness.

37. For further example of Humphrey's disregard for the importance of honesty, Humphrey chose not to appeal Officer Drew Talbert's reinstatement where the issue for his discipline was untruthfulness.

38. To top it off, Humphrey went on to admit in writing that that there was a “hostile work environment,” and that there is a “possible discrimination case” against the Department under his leadership.

39. In fact, on February 28, 2020, Humphrey wrote that a police department employee “has a very compelling case for both a hostile work environment and gender discrimination cases.”

40. Rather than address what Humphrey admitted was a “very compelling case,” or treat female employees the same as male employees, he merely transferred the female employee out of the division.

41. In another instance of Humphrey retaliating against others and covering up his culpability, on April 7, 2020, Humphrey’s entire chain of command recommended no punishment against civilian female LRPD employee Kandice Hause regarding a minor paperwork issue.

42. However, the Internal Affairs investigation into the issue with Kandice Hause and others raised significant concerns about Humphrey’s truthfulness.

43. Rather than adopt the chain of command’s recommendation of no punishment, Humphrey directed that the Internal Affairs investigation be closed and not question his truthfulness, and punished Kandice House.

44. Further, Chief Humphrey again lashed out at Fulk accusing her of not fulfilling her promises made at a public forum.

45. On March 26, 2020, Humphrey again angrily yelled that people were supposedly out to get him, and that all those who didn’t do exactly as he said should immediately quit.

46. In sum, Humphrey's campaign of retaliation was a direct and proximate result of the testimony given by Fulk, and was against the two Assistant Chiefs, Finks and Fulk who, not coincidentally, had also applied for the Chief position Humphrey tenuously holds on to.

47. Overall, the retaliation, loss of training and disparate treatment resulted in the loss of income for Cristina Plummer and Alice Fulk.

IV. Theories of Recovery

48. Witness retaliation in violation of A.C.A. § 5-53-112. Alice Fulk testified lawfully and in good faith in the Charles Starks matter. She was a witness, whose sworn testimony in part formed the basis of the opinion issued by Judge Fox. As such, the protections of A.C.A. § 5-53-112 against "retaliation against a witness" for "anything lawfully done in the capacity of witness" apply.

49. Alice Fulk was damaged in the loss of earning capacity stemming from Humphrey's performance review of her and refusal to undertake Internal Affairs investigations that would demonstrate that Fulk told the truth and Humphrey did not.

50. In such circumstances, A.C.A. § 16-118-107 allows a "a civil action to recover damages based on the conduct."

51. Cristina Plummer and Alice Fulk have suffered irreparable harm to their reputation; they have suffered loss of income in the past and will continue to suffer loss of earning capacity in the future; and they have endured emotional pain and turmoil in the past and will continue to endure the same in the future. They are entitled to both compensatory and punitive damages from the Defendants as a result of the conduct alleged herein.

52. Retaliation in violation of the Arkansas Whistle-Blower Act, A.C.A. § 21-1-603. In Arkansas, "a public employer shall not take adverse action against a public employee because

the public employee communicates in good faith to an appropriate authority...a violation or suspected violation of a law, rule, or regulation adopted under the law of this state or a political subdivision of the state.” *A.C.A. § 21-1-603*.

53. Alice Fulk testified in good faith that Charles Starks was denied rights under the Arkansas Civil Rights Act and that the investigation into Blackshire’s shooting was rushed, which amounts to “violation of [the] law” under A.C.A. § 21-1-603.

54. As such, Defendants could not “take adverse action” against Fulk.

55. Alice Fulk was damaged in the loss of earning capacity stemming from Humphrey’s performance review of her and refusal to undertake Internal Affairs investigations that would demonstrate that Fulk told the truth and Humphrey did not.

56. Further, Cristina Plummer and Alice Fulk have suffered irreparable harm to their reputation for Defendants’ actions against them; they have suffered loss of income in the past and will continue to suffer loss of earning capacity in the future; and they have endured emotional pain and turmoil in the past and will continue to endure the same in the future. They are entitled to both compensatory and punitive damages from the Defendants as a result of the conduct alleged herein.

57. Discrimination and retaliation in violation of Arkansas Civil Rights Act of 1993, A.C.A. § 16-123-108. In Arkansas, it is “unlawful to coerce, intimidate, threaten, or interfere with any individual” or “discriminate” against them because “such individual in good faith made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing” relating to the Arkansas Civil Rights Act.

58. It is also illegal to “discriminate” on the basis of “gender” under the Arkansas Civil Rights Act.

59. Alice Fulk testified in good faith that Charles Starks was denied rights under the Arkansas Civil Rights Act and that the investigation into Blackshire's shooting was rushed, and Humphrey then interfered and discriminated against her and the other Plaintiff as a result.

60. Alice Fulk was damaged in the loss of earning capacity stemming from Humphrey's performance review of her and refusal to undertake Internal Affairs investigations that would demonstrate that Fulk told the truth and Humphrey did not.

61. Fulk's negative performance review and the denial of training was caused by the disparate treatment of Plaintiffs on the basis of their gender. The stated reasons for Fulk's review and the denial of training have no basis in fact, there is no legitimate non-discriminatory reason for these actions, any such proffered reason is pretext.

62. Fulk and Plummer have suffered loss of income due to training opportunities denied them.

63. Further, Cristina Plummer and Alice Fulk have suffered irreparable harm to their reputation for Defendants' actions against them; they have suffered loss of income in the past and will continue to suffer loss of earning capacity in the future; and they have endured emotional pain and turmoil in the past and will continue to endure the same in the future. They are entitled to both compensatory and punitive damages from the Defendants as a result of the conduct alleged herein.

64. Failure to train and supervise in violation of public policy. There is a well-established public policy in this State favoring the reporting of illegal activity, specifically due process violations. When Defendants refused training to Plaintiffs Cristina Plummer and gave a negative performance review to Fulk for Alice Fulk testifying truthfully about Humphrey's due process violations, it acted in violation of public policy.

65. As a direct and proximate result of the actions of the Defendants and its agents as set forth above herein, Plaintiffs Cristina Plummer and Alice Fulk have suffered irreparable harm to their reputation; they has suffered loss of income in the past and will continue to suffer loss of earning capacity in the future; and they have endured emotional pain and turmoil in the past and will continue to endure the same in the future. They are entitled to both compensatory and punitive damages from the Defendants as a result of the conduct alleged herein.

66. All acts of the Defendants' agents and employees and officers against Plaintiffs were done within the scope and course of their employment with the Defendants and, thus, Defendants are liable for such acts under the theory of *respondeat superior*.

WHEREFORE, the Plaintiffs, Alice Fulk and Cristina Plummer, pray for judgment against the Defendants in the form of both compensatory and punitive damages in an unliquidated sum and for all other just and proper relief to which they may be entitled, including, but not limited to, attorney's fees and costs.

Respectfully submitted,

**ALICE FULK and CRISTINA PLUMMER,
PLAINTIFFS**

WH LAW, PLLC
1 Riverfront Pl. – Suite 745
North Little Rock, AR 72114
(501) 891-6000

By: /s/ Chris W. Burks
Chris W. Burks (ABN: 2010207)
chris@whlawoffices.com
Degen D. Clow (ABN: 2014038)
degen@wh.law