

IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS
DIVISION _____

**HAYWARD FINKS, DUANE FINKS,
and REGINALD PARKS**

PLAINTIFFS

No. 60CV-20-_____

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

DEFENDANTS

COMPLAINT

COMES NOW Plaintiffs Hayward Finks, Duane Finks, and Reginald Parks (“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. Highly-decorated career LRPD Assistant Chief Hayward Finks testified about the rushed investigation into Bradley Blackshire’s death —and he was egregiously retaliated against starting the very the next day following his sworn testimony.

2. Just like Sgt. Tori Trammel and Assistant Chief Alice Fulk, Finks told nothing but the truth regarding the investigation into Officer Starks’ shooting of Blackshire. However, Chief Keith Humphrey was in over his head with mounting debt collection judgments against him. He was too eager to please a Mayor who did not actually ask Humphrey to retaliate.

3. So Chief Humphrey starting his own campaign of retaliation by communicating to human resources about Finks the very next day after Finks’ testimony.

4. Humphrey then refused an Internal Affairs investigation requested by Finks, transferred Finks' brother and his co-worker, and regularly yells, slams doors, and rages against those that Humphrey perceives as Humphrey's enemies.

5. All of these heated reactions are the exact type of temptations that the logic of the law is intended to cool. Unfortunately, Chief Humphrey has lost sight of what makes our system of law so strong: *two wrongs do not make a right*.

6. No amount of retribution against those who told the truth about the investigation will bring back Bradley Blackshire. No action justifies denying due process: everyone is entitled to it.

7. Indeed, the very faith tradition that Humphrey sometimes professes to his staff, teaches that vengeance is not for the beloved. The very system of laws Humphrey is sworn to uphold, is designed to make us a nation of laws, not of men.

8. And while we as a City have all too often failed to live up to this ideal, in this Country— especially at this time — there still is law. It unequivocally prohibits retaliation against those who testify.

9. As will be detailed below, this case merely seeks to remedy the retaliation and right a wrong the lawful way: through the court process.

II. Parties, Jurisdiction and Venue

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

11. 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 March 21, 2019.

12. 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.

13. 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.

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

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

III. Facts Which Entitle the Plaintiffs to Relief

16. Plaintiffs work for Defendants.

17. Plaintiff Hayward Finks is an Assistant Chief. Duane Finks is a Sergeant who was a co-supervisor of the School Resource Officer Program. Reginald Parks is a Sergeant who was a co-supervisor of the School Resource Officer Program.

18. Duane Finks and Reginald Parks consistently receive excellent job performance evaluations for their work over the School Resource Officer Program, a program due to expand to a new high school this year.

19. On May 03, 2019, Hayward Finks submitted his recommendation to Chief Humphrey regarding Officer Charles Starks.

20. On May 08, 2019, Chief Humphrey met with Rizzell Aaron regarding Officer Charles Starks, and coordinated protest plans with Rizzell Aaron.

21. On May 43, 2019, Chief Humphrey left town knowing that Rizzell Aaron would lead a disruptive protest over Officer Starks while Humphrey was out of town.

22. On May 14, 2019, Hayward Finks, spoke with Mayor Frank Scott, who told Hayward Finks to take whatever action was appropriate, including arresting protestors.

23. Stephanie Jackson, Mayor Scott's spokesperson, later requested that a press release be pulled stating the arrests were authorized, in an effort from Humphrey to ensure Hayward Finks was made responsible for any mistakes and not inform the public that the arrests were authorized..

24. On July 25, 2019, Hayward Finks, Sgt. Tori Trammel, and Assistant Chief Alice Fulk testified that Charles Starks was denied rights under the Arkansas Civil Rights Act and that the investigation into Blackshire's shooting was rushed.

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

26. The very next day on July 26, 2019, Chief Humphrey immediately instructed Sgt. Trammel's chain of command to chastise her for her testimony in the Starks matter.

27. That same day after intimidating Sgt. Trammel, Chief Humphrey was upset and slamming doors, and lashed out at Hayward Finks by emailing human resources regarding his job performance. The environment of the command staff continued to deteriorate afterwards.

28. Less than a month later on August 20, 2019, Chief Humphrey, called a special meeting of the Command Staff stating that he only trusted two or three people who work there, and accused Hayward Finks of lying about the Rizzell Aaron protest related to Blackshire's death and Finks' communications on May 14, 2019.

29. In that same meeting on August 20, 2019, Hawyard Finks and others requested an Internal Affairs investigation into the Rizzell Aaron protests and the LRPD communications

about them, but Chief Humphrey refused to initiate one and directed Finks to not start an Internal Affairs investigation.

30. Humphrey's continued to struggle with deteriorating command and communications of the LRPD and other issues throughout the fall, including the judgment entered against him in September 2019.

31. On January 21, 2020, Hayward Finks testimony about the Blackshire investigation was incorporated into the Circuit Court case made by Officer Starks in front of Judge Tim Fox.

32. When Judge Fox's order later came out, Chief Humphrey told his command staff that the Judge had no idea what the Judge was doing, and that Humphrey didn't give a damn about untruthfulness issues.

33. After a motion for contempt was filed in that case, Chief Humphrey, still angry about Hayward Finks appearance in Circuit Court on January 21, 2020, transferred Hayward Finks brother Duane Finks and Reginald Parks from School Resource Officer Sergeants to patrol in a text late at night.

34. This transfer of Duane Finks and his co-leader of the School Resource Office program was without explanation or subject to any common policy.

35. It directly resulted in the loss of income and schedule for Duane Finks and Reginald Parks.

36. On February 26, 2020, Chief Humphrey again lashed out at Hayward Finks accusing him of not fulfilling his promises made at a public forum.

37. 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.

38. Humphrey's campaign of retaliation and intimidation was a direct and proximate result of the testimony given by Finks and Trammel, 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.

IV. Theories of Recovery

39. Witness retaliation in violation of A.C.A. § 5-53-112. Chief Finks testified lawfully and in good faith in the Charles Starks matter. He 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.

40. Hayward Finks was damaged in the loss of earning capacity stemming from Humphrey’s denigration of Finks and refusal to undertake an internal Affairs Investigation that would demonstrate Finks told the truth.

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

42. Duane Finks and Reginald Parks Plaintiff 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.

43. 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.*

44. Hayward Finks 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.

45. As such, Defendants could not "take adverse action" against Finks.

46. Hayward Finks was damaged in the loss of earning capacity stemming from Humphrey's denigration of Finks and refusal to undertake an internal Affairs Investigation that would demonstrate Finks told the truth.

47. Further, Duane Finks and Reginald Parks Plaintiff 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.

48. 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.

49. Hayward Finks 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 him and the other Plaintiffs as a result.

50. Hayward Finks was damaged in the loss of earning capacity stemming from Humphrey's denigration of Finks and refusal to undertake an internal Affairs Investigation that would demonstrate Finks told the truth.

51. Further, Duane Finks and Reginald Parks Plaintiff 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.

52. 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 transferred Plaintiffs Duane Finks and Reginald Parks for Hayward Finks testifying truthfully about Humphrey's due process violations, it acted in violation of public policy.

53. As a direct and proximate result of the actions of the Defendant and its agents as set forth above herein, Plaintiff Duane Finks and Reginald Parks 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.

54. All acts of the Defendant's agents and employees and officers against Plaintiff were done within the scope and course of their employment with the Defendant and, thus, Defendant is liable for such acts under the theory of *respondeat superior*.

WHEREFORE, the Plaintiffs, Hayward Finks, prays for judgment against the Defendant 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,

**HAYWARD FINKS,
PLAINTIFF**

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