

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX S.S.

SUPERIOR COURT

Kathleen E. Donohue,
 Plaintiff

 v.

 The Town of Watertown and
 The Watertown Police Association,
 Defendants.

Civil Action No. 19-1472

FILED
 IN THE OFFICE OF THE
 CLERK OF COURTS
 FOR THE COUNTY OF MIDDLESEX

 MAY 23 2019

The Hon. J. A. ...
 CLERK

COMPLAINT AND JURY DEMAND

INTRODUCTION

Plaintiff Kathleen E. Donohue became a police officer in the Town of Watertown in 1998. Four years later, she became the Town's first woman detective. She served the Town and its Police Department with distinction, responding to the needs of the community, and working particularly to improve the Department's responsiveness and services around issues of sexual assault and domestic violence.

Yet this case is not about the accomplishments of a woman who broke through one the hardest of glass ceilings in an overwhelmingly male-dominated field. It is about the stereotypes and hostility she faced along the way, about the harshly disparate treatment she confronted and about the retaliation she suffered that ultimately drove her out of the profession she loved.

JURISDICTION

1. This court has jurisdiction over this matter pursuant to M.G.L. c. 212 § 3 and all administrative prerequisites under M.G.L. c. 151B to bringing this action in court have been met.

THE PARTIES

2. Kathleen E. Donohue ("Off. Donohue," "Det. Donohue" or "Plaintiff") is a police officer and a resident of Middlesex County, Massachusetts. During times relevant, she served as a Detective for the Watertown Police Department and was a member of the Watertown Police Association.

3. Defendant Town of Watertown (the "Town" or "Watertown") is a municipality located in Middlesex County, Massachusetts and the Watertown Police Department (the "WPD") is under the jurisdiction and control of the Town.

4. Defendant Watertown Police Association ("WPA") is a labor organization located in Middlesex County, Massachusetts, and the designated bargaining unit for police officers and detectives of the Watertown Police Department.

FACTS

5. Kathleen Donohue joined the WPD in April 1998 as a patrol officer. She was among the first women officers hired by the WPD. From the time of her hire forward, she was a dues-paying member of the WPA.

6. Also from that time forward, the WPA owed the Plaintiff a duty of fair representation.

7. From the start, then Officer Donohue was required to endure inappropriate comments based on her gender, including inappropriate comments about her looks and the physical appearance of other women, sexually charged conversations, and strangely gendered

comments about other women, with a comment that the individual at issue "was one of your gender."

8. She also faced disparate treatment and gender stereotypes limiting her progress. For instance, unlike the men who started with the WPD at the same time as her, Off. Donohue and another new woman officer were required to undergo two weeks of extra field training.

9. On information and belief, the Department's historic treatment of women who had been hired onto the police force suggested a troubling pattern of discrimination, harassment and retaliation, including without limitation, concerns about being subjected to inappropriate and unwanted physical touching, racially charged comments, and hostility raising concerns about the work environment.

10. On information and belief, after raising such concerns, at least one of the women hired was ultimately driven from her job.

11. Within a year of being on the force, Off. Donohue felt obliged to raise concerns about the treatment she faced.

12. As though the Town had learned from what had occurred before, an investigation was conducted, leading to a review of the WPD Sexual Harassment Policy and an acknowledgment by the Town that then Off. Donohue was being subjected to different treatment and comments because of her gender.

13. Off. Donohue's superior officer noted in a memo at that time that "these comments may be inappropriate and directed at Off. Donohue because she is a female."

14. Off. Donohue appreciated the acknowledgement, hoping that change in her work environment and in her treatment would follow.

15. Yet inappropriate jokes and sexually charged comments continued. For instance, a sergeant made comments generally about women's breast size and graphically talked about women's private anatomy. He also told Det. Donohue when she did something that displeased him that he would have to "spank" her if she did so again. Of course, he never made any such comments to her male colleagues.

16. While she tried to ignore the comments of her peers and superiors, Off. Donohue found the comments and conduct wearing and hurtful.

17. As time went on, Off. Donohue was obliged again to raise concerns about the work environment. She asked that the inappropriate joking stop. She also addressed to a captain her concerns about the hostility and disrespect shown to her by one of the lieutenants to whom she had to report. She was told that her colleagues were instructed to improve their conduct, but little actually changed.

18. Well aware that continuing to call out her colleagues' inappropriate behavior would make it difficult for her to engage in her work successfully and, in some circumstances, for her to work safely, particularly where certain assignments required that she be comfortable in the knowledge that her brother officers had her back, Off. Donohue tried to endure the comments without further escalating concerns. She tried to keep her head down.

19. Off. Donohue hoped that, with time and good work, she would prove herself and eventually the disrespectful and demeaning comments about her and other women would cease.

20. In December of 2002, Off. Donohue applied for and received a transfer into a position in the Detectives Division. She became the first woman detective within the Watertown Police Department. Her supervisor became then-Lieutenant Michael Lawn.

21. Det. Donohue was thrilled and hoped that this promotion would quell the hostility and allow her to succeed on a level playing field. Yet that appears to have been optimistic.

22. In addition to continuing to be forced to endure sexually charged and inappropriate comments both generally and directed against her, Det. Donohue was obliged to confront hostility against her as she took on the additional responsibilities of a detective.

23. She was demeaningly referred to as the "Detective Clerk" and given more desk time and less authority than similarly situated male colleagues.

24. This stereotyping became more pronounced when Det. Donohue became pregnant and her pregnancy became known in 2003.

25. As time went on, some of the hostility against Det. Donohue manifested itself in dangerous ways. For instance, in 2010, Det. Donohue asked a male colleague if there was anything about the patrol car she was taking over from him that she should be aware of and he responded there was not. When Det. Donohue checked the car, its oxygen tank was in the rear and it was missing the rifle normally kept in the trunk. When she criticized this officer for failing to inform her of what could be a real safety risk, he responded that he "does not give a f-ck." She had observed this patrolman with other detectives and never saw him react in such a dangerously disrespectful way.

26. Male colleagues would also at times assert false claims about what they stated were their sexual exploits with Det. Donohue.

27. For instance, Officer Michael Martin, President of the Watertown Police Association, falsely and publicly insinuated that he had engaged in sexual relations with Det. Donohue.

28. In spite of these headwinds, Det. Donohue worked hard.

29. She found success in developing an expertise in a traditionally less male-dominated area of law enforcement: in investigating sexual violence and domestic dispute cases.

30. Trying to build alliances with the men with whom she worked, Det. Donohue spent more than a decade as the WPA treasurer, beginning around 2001.

31. As she tried to focus on doing her job and ignoring the unwelcomed and hostile harassment she faced, Det. Donohue searched for colleagues and mentors she could trust. Then Lt. Lawn seemed to offer Det. Donohue a safe haven. She was drawn in by his professional respect for her and his support.

32. But then, the professional mentorship turned.

33. In or around September 2009, then Lt. Lawn walked right over a line. used the power of his position and the isolation he knew Det. Donohue was experiencing to invite her to engage in an intimate relationship with him. She could not and did not resist.

34. From that time and over the course of years, Lt. Lawn maintained a sexual relationship with the Plaintiff.

35. From 2009 to 2013, Det. Donohue spoke with Lt. Lawn about the enduring problems in the work environment. He professed a recognition that the WPD's work culture was hostile to women and people of color, requiring that they put up with hostility just to fit in, something that is necessary given the need for cohesion and a sense of safety on the job.

36. That need for a sense of safety was probably no more in evidence than on April 19, 2013, when Watertown became the focus of attention in the aftermath of the Marathon bombing.

37. On that day, Det. Donohue was among the first officers to arrive at the home in Watertown where the bombing suspect was hiding in a boat. She took her position. Officers

knew the discipline required in this tense moment. Yet, without an order to fire and putting his colleagues in danger, one officer fired his weapon, setting off a cascade of uncontrolled and hazardous gunfire among the police officers at the location, apparently in the belief that the initial shots were from the suspect – not a member of their own force.

38. Det. Donohue was not among the officers who – in a moment of fear and tremendous tension – had acted recklessly. But she felt the impact of their conduct; a bullet from another officer's gun came within inches of her head and she saw bullets kicking up dirt near her.

39. After the scene was secured, she reported to then-Chief Edward Deveau that she had been under fire and was nearly hit.

40. Rather than offering his disciplined officer the support others were receiving (including those whose reckless conduct had endangered her), Chief Deveau berated Det. Donohue for her report. His response underscored that she was – dangerously – still seen as an outsider in a Police Department to which she had been devoted for over a decade.

41. Yet the concerns she expressed on that day held true. The After Action Report for the Response to the 2013 Boston Marathon Bombings concluded that officers responding to the boat had exercised poor weapons discipline. The report concluded that “[a]n officer fired his weapon without appropriate authority in response to perceived movement in the boat, in turn causing many officers to fire at the boat in the belief that they were being shot at by the suspect. Each of these incidents created dangerous crossfire situations.”

42. But the fact that Det. Donohue's report was accurate did not matter. Having demonstrated a discipline her male colleagues dangerously had lacked, she was not supported but further isolated and subject to disparate treatment.

43. Although the events of April 19, 2013 had themselves caused Det. Donohue – as they did her male colleagues – anxiety and stress, she was not afforded the same services they received, nor was she given the same consideration in terms of time off, even though she reported these consequences to superior officers. Male officers who did go out on leave and seek support for their emotional distress were strongly supported and welcomed back to the WPD.

44. That was not the case for Det. Donohue. Male officers attacked her work and her discipline, suggesting that perhaps she was not even at the scene where the Marathon bombing suspect was hiding.

45. Members of the Patrol Division even were given license to criticize her appearance in front of colleagues. One example stood out from this time: Before the memorial service for MIT Police Officer Sean Collier, an officer killed during the search for the Marathon bombing suspects, one of the patrolmen told Det. Donohue that she needed to put her hair up in a bun. Other patrolmen nodded their agreement. Det. Donohue was obliged to defend her appearance. No senior officer present directed the officer to stop. Of course, no men faced such taunts on this occasion. Det. Donohue was humiliated.

46. In the wake of the Marathon Bombing, Det. Donohue sought the assistance of her union and went to the Union President Martin for help with addressing the increasing hostility.

47. In that context, the Union President admitted that some of his members had said publicly that they did not believe that women belong in law enforcement and that they had demeaned her. In talking about one colleague who consistently bad-mouthed Det. Donohue, he noted, using words to this effect, “you know how those guys who were in the military feel about women in law enforcement.”

48. Det. Donohue certainly knew what the Union President meant by that comment, although she was not willing to assume that all men in the military felt likewise. This same officer had told her directly that he did not believe that women belong in law enforcement.

49. Despite his acknowledgement of the biased treatment faced by Det. Donohue, and in violation of the Union's obligations to its member, Union President Martin declined to pursue any actions. Quite the contrary: the Union President himself participated in discriminatory and hostile comments about women generally and about Det. Donohue particularly.

50. Having been given a free pass to mistreat Det. Donohue, members of the Union, along with the Union President, began circulating false and professionally damaging rumors about Det. Donohue.

51. For instance, while male colleagues who had experienced stress and anxiety after the events of April 19, 2013 were supported and respected, Det. Donohue was rumored falsely to be "suicidal" and also accused of having a relationship with Chief Deveau, which was also false.

52. On information and belief, Union President Martin participated in these damaging rumors. One colleague told Det. Donohue that Union President Martin was telling people that Det. Donohue was "sleeping with the chief and he wouldn't be surprised if she offed herself."

53. The Union President also, on information and belief, bragged about his own purported sexual exploits with Det. Donohue. Nothing of the sort had ever occurred.

54. In May of 2013, Det. Donohue attempted to reach out to the Union attorney to discuss the harassment she was facing. She was informed that no support for any consultations regarding stress would be forthcoming from the Union, without a vote of the Executive Board over which Union President Martin presided.

55. Det. Donohue was deeply unsettled and hurt by what had occurred and by the virulent response of her colleagues. The hostility of the work environment and the derogatory statements being made about her, in particular, were distressing and, more fundamentally, concerning as respect and a desire to stand with and protect fellow officers are critical to an officer's physical safety on the job.

56. Det. Donohue raised concerns about this to Chief Deveau soon after the rumors surfaced and thereafter. His response was to dismiss them, telling her just to "Let it go."

57. On information and belief, Chief Deveau had himself participated in activities creating a hostile work environment for women WPD officers. On information and belief, his misconduct included his exposing himself to a woman officer as well as engaging in other forms of harassment and disparate treatment.

58. Det. Donohue also raised concerns about the harassment to Captain Raymond Dupuis, who suggested that she should stop hiding in Detectives and announce at roll call that she was "going to f-ck the Chief" as a way to defuse the tension with a joke. Det. Donohue was humiliated and hurt by the response.

59. Chief Deveau continued to ignore her complaints until she pressed further. Finally, Chief Deveau contacted the Town Personnel Department, and its Personnel Director, Gayle Shattuck.

60. Det. Donohue met Ms. Shattuck in late May of 2013 and raised concerns about the gender-based harassment she had suffered as well as the punitive campaign that was continuing.

61. Det. Donohue expressed concern that a formal investigation would result in greater harassment and retaliation. Ms. Shattuck provided a brochure for the Employee

Assistance Program and told Det. Donohue not to worry. Det. Donohue hoped that finally she had found someone willing to create the change needed.

62. In June of 2013, the Town's Personnel Department ("Personnel Department") purportedly began an investigation into Det. Donohue's concerns. They showed no urgency to their task, however.

63. The "investigation" dragged on over months, and produced no meaningful resolution. Instead, it exacerbated the difficult work environment in which Det. Donohue was forced to operate, as those engaging in the wrongful conduct were permitted to move forward without consequences.

64. Over the course of months, Det. Donohue raised further concerns to Ms. Shattuck regarding the stress she was suffering from and the ongoing hostile work environment. These included concerns that, having pressed her complaints, Chief Deveau had changed his conduct, refusing to acknowledge her or speak with her in circumstances where that conduct was awkward and uncomfortable. Ms. Shattuck allowed that Det. Donohue should expect to feel a chill in her work environment.

65. At the start of 2014, Det. Donohue learned that a sexual harassment training would be conducted for the WPD as a response to her complaint. While long overdue, Det. Donohue was concerned that this would not be taken seriously and that it would, in fact, change little.

66. On information and belief, the training was in fact not made mandatory and not all of the men in the WPD were required to attend. Some of the male officers who engaged in the most egregious harassment in fact did not attend and were not admonished or disciplined in any way for that failure.

67. Disappointed and fearful that the effort would in fact backfire and cause further retaliation on the part of her colleagues, Det. Donohue again raised concerns with the Personnel Department about the work environment, noting "the boys club mentality" that persisted despite promises of change and how the lingering investigation only harmed her further.

68. Among those interviewed by Ms. Shattuck for participating in the damaging rumors was Lieutenant James O'Connor, who was accompanied by a union attorney for his interview. Lt. O'Connor was the commanding officer in the Patrol Division at a time when the rumors were spread and, on information and belief, he participated in their spread.

69. On information and belief, patrol officers in Det. Donohue's bargaining unit were also provided with counsel for their interviews with Ms. Shattuck.

70. In March of 2014, approaching a year after her initial complaint, Det. Donohue was called to a meeting with Ms. Shattuck and Chief Deveau. Ms. Shattuck admitted that the rumors existed that were sexually charged and professionally damaging to Det. Donohue but said that the investigation itself was "inconclusive" regarding who participated in the rumors and who had initiated them.

71. Apparently, while some individuals admitted that the rumors existed, nobody would admit who actually said what.

72. When Det. Donohue specifically asked about Union President Martin's participation, Ms. Shattuck allowed that, given his role with the Union, the Town could not require him to disclose the identity of any union member.

73. The meeting was the equivalent of an investigative shrug: Although Ms. Shattuck recognized that problems existed, the Town was simply unwilling to put any crack in the blue

wall and require that the men who admitted that such rumors existed stop protecting the exclusively male closed culture of the police force.

74. Nonetheless, Ms. Shattuck proclaimed that the investigation had resulted in positive change: The rumors had stopped and the work environment had improved as a result of her training session. That was it. The Town would do nothing more.

75. The Town declined Det. Donohue's requests to review the investigative report that apparently was completed regarding her complaint.

76. Following the meeting, Det. Donohue returned to her desk and broke down in tears. She was distressed that no action whatsoever was going to be taken against any of the men who engaged in wrongful conduct.

77. She later learned that, in the course of the purported investigation, Ms. Shattuck herself traded in gender stereotypes, inquiring of her brother officers whether or not Det. Donohue was "promiscuous."

78. Humiliated and concerned that she could not secure redress and worried about whether she could rely upon her increasingly retaliatory brother officers, Det. Donohue's stress and anxiety deepened. Upon the recommendation of her treating physician, Det. Donohue went out on a medical leave for several weeks.

79. The WPD refused to treat her leave as "injured on duty" (entitling her to pay and benefits) and fought her claim for injured on duty leave for more than a year. It was only in October of 2015, after a grievance was in process and on the night before a scheduled mediation, that the WPD acknowledged that status.

80. During the pendency of the grievance, the Union declined to adequately support her.

81. When Det. Donohue raised concerns about the failure of the WPA to support her, they were not heard. The message was clear: Her complaints about the discriminatory conduct of her brother Union members meant that she was on her own.

82. Upon her return from medical leave in May 2014, Det. Donohue learned that Union President Martin had again been behaving inappropriately, seeking to obtain her private medical information without a legitimate reason. Such access was contrary to the procedures set out by the Town for medical leave and was requested, on information and belief, for retaliatory purposes.

83. In June 2014, Det. Donohue raised further concerns to the Town including regarding the retaliatory and biased treatment that she faced by members of the Patrol Division. Nothing was done to investigate or remedy the situation.

84. Instead, Ms. Shattuck acknowledged the hostile environment and allowed only: "at least you are in detectives".

85. With no redress forthcoming, Det. Donohue was on more than one occasion assigned to work directly with those who had harassed and maligned her.

86. Det. Donohue took her concerns to Steven Magoon, the acting Town Manager. He too did nothing to address her concerns.

87. Det. Donohue got the message: She continued to work, and Lt. Lawn promised to protect her from the most egregious forms of misconduct she suffered.

88. Yet matters continued to be difficult. Feeling accumulated stress and anxiety from being left vulnerable in a job where trust among colleagues is most critical, Det. Donohue applied for benefits from the Massachusetts Office of Victim Assistance for those affected by the Marathon Bombing. She was ultimately diagnosed with post-traumatic stress disorder. Lt. Lawn

supported Det. Donohue's application, noting that she had suffered stress symptoms since the incident. He did not however note that the stress and anxiety had been exacerbated by the sexually hostile and retaliatory work environment in which she was forced to operate.

89. Lt. Lawn's professional support for Det. Donohue waxed and waned with their relationship, which he ended after his wife learned about it.

90. What had served as a source of support became a source of distress, further hostility and animus, with this powerful senior leader sometimes using what he knew of Det. Donohue's anxiety and distress regarding her work conditions to cause her personal harm, while at other times he apologized and offered professional support and redress.

91. For instance, one day in April of 2015, Lt. Lawn texted Det. Donohue, among other things, the following: "Im.f-cking out of my.mind"; "You know what f-ck off"; "Call your lawyer"; "F-ck u"; "Good bye.take me down. U don't own me. Get that"; "I want u out of my life." He angrily told her that she had ruined his career.

92. At other times, Lt. Lawn admitted that he understood that Det. Donohue was going through "a lot" on the job and he promised to assist her in seeking redress.

93. Ultimately, on information and belief, seeking to protect himself and his future, Lt. Lawn asked his superior officer, Captain Thomas Rocca, to reassign him from the Detectives' Division. On information and belief, Capt. Rocca, as well as Lt. O'Connor, knew of the relationship between Det. Donohue and Lt. Lawn.

94. Lt. O'Connor and Lt. Lawn are cousins.

95. In or around June 2015, Lt. O'Connor took over command of the Detectives' Division from Lt. Lawn. Lt. O'Connor reported to Capt. Rocca.

96. This change certainly did not mark a new start for Det. Donohue but an intensification of the hostility she faced .

97. On information and belief, Lt. O'Connor resented Det. Donohue's prior complaint regarding her work environment and that he had been forced to discuss the harassment and the hostility of the work environment with investigators. On information and belief, he in fact had participated in the discrimination and harassment at issue.

98. Working for Lt. O'Connor was Sergeant Thomas Grady, who had long shown his hostility to Det. Donohue, about which she had complained to Lt. Lawn when he was the Detectives Lieutenant. Indeed, Lt. Lawn had instructed Det. Donohue to just bypass Sgt. Grady and come to him, which had further inflamed Sgt. Grady.

99. Sgt. Grady had also been in Det. Donohue's class at the Police Academy. At one point he had made a sexual advance on Det. Donohue, which she had rejected.

100. Sgt. Grady was no warmer to the notion of bringing women into police work. He even chided Det. Donohue for bringing Girl Scouts into the WPD for a program. When programs focused on young men toured the WPD, no such negative comments were made, on information and belief.

101. Finally, Capt. Rocca had long shown his hostility to Det. Donohue. On information and belief, Capt. Rocca has expressed the view that women did not belong as police officers. He had also been among the leadership to treat Det. Donohue disparately over time. For instance, he worked to thwart Det. Donohue's receipt of certain benefits to her position: She was not issued a police cruiser when she first became a detective, contrary to standard practice or, on information and belief, what occurred in fact with respect to her male counterparts.

102. Det. Donohue had previously raised concerns to Lt. Lawn about Capt. Rocca's biased attitude as well.

103. After Lt. Lawn left the Detectives Division he continued to disparage Det. Donohue in communications with her directly as well as, on information and belief, with the leadership to whom Det. Donohue now reported. His language continued to bear the mark of sexism and hostility: He wrote "F-ck u"; "B-tch"; "Go f-ck yourself" and phrases similar.

104. To be sure, he would apologize occasionally for his outbursts and, on repeated occasions, he told Det. Donohue that he would still be her "friend" and that he knew it was "a lot." He wrote that he "apologize[d] for [his] part."

105. Notwithstanding his strange inclination to view himself as the victim, Lt. Lawn's career continued to soar, while Det. Donohue's fell increasingly to the way side.

106. In November of 2015, Lt. Lawn interviewed to become Watertown's Chief of Police. From that point through the end of 2015, Lt. Lawn reached out to Det. Donohue and asked for her support as he applied to become the Chief. She did nothing to harm him in the process and supported his candidacy.

107. That same month, Capt. Rocca and Lt. O'Connor informed Det. Donohue that she was the subject of an internal affairs investigation. The "investigation" purportedly had been ongoing since September, although, contrary to standard practice and required protocols, she had not been informed for nearly two months. Also contrary to standard practice, nor had the acting chief at the time, Captain Dupuis, been informed. Meanwhile, many of her WPD colleagues had been aware that the investigation was occurring for weeks, further adding to her isolation.

108. The allegation was that Det. Donohue had revealed confidential information outside of the Detectives' Division. It was categorically false.

109. Det. Donohue raised concerns about the baseless investigation and the process being followed. She objected to what had been characterized to her as an "informal investigation" but which was somehow proposed to result in formal discipline, a "counseling session," which would leave negative mark on her record and likely impact further any opportunity for a further promotion.

110. In response to these objections, Capt. Rocca and Lt. O'Connor threatened Det. Donohue, telling her that if she did not accept the "counseling session," she would be subjected to further investigation. She rejected this resolution as baseless and the result of a corrupted process. Then, she was further threatened by Lt. O'Connor who warned that if she did not accept their decision, she could be kicked out of the Detectives Division or face more serious discipline.

111. Chief Lawn continued to cross professional with the personal. As this was occurring, he told Det. Donohue to "Hang in there kath. It will be ok." He also wrote "I do care im.sorry all this is happening" [sic].

112. Despite Det. Donohue's objections to the merits and the process of the investigation, on December 4, 2015, Capt. Rocca left a proposed discipline letter for her to review. He stated it would be placed in her personnel file for six months before it would be removed. The letter was incorrect but the WPD refused to amend it.

113. After learning of her alternative to accepting Capt. Rocca's findings and discipline, Det. Donohue informed Union President Martin of the investigation. She was leery of involving him, given his role in creating and condoning the hostile work environment she faced.

114. Given the failure to follow standard protocols that was involved here, Acting Chief Dupuis was obliged to act. He ruled that the discipline letter would not be entered into her personnel file but that Capt. Rocca would keep the letter as a reminder to him in the event of

future internal affairs investigations against Det. Donohue. She was told that the matter was closed and that any further action on it would have to be through the grievance process.

115. Around this same time, Acting Chief Dupuis texted Det. Donohue that she had a reputation for taking notes and keeping texts, and that this did not lead colleagues to trust her. The message was clear: If you do not stop complaining about the discrimination you face and stop keeping records about it, you will be isolated and on your own.

116. As if to underscore the distrust, contrary to his standard practices, when Acting Chief Dupuis met with the Plaintiff he insisted that Lt. O'Connor attend. He generally declined to meet with Det. Donohue one-on-one.

117. On information and belief, at this time, Det. Donohue's supervisors were disparately scrutinizing her and her work as they searched for further reasons to marginalize her and push her out of the force.

118. Lt. Lawn was promoted to Chief of the Watertown Police Department in January 2016.

119. Chief Lawn then took steps to remedy the bogus discipline imposed upon Det. Donohue from the "Internal Affairs" investigation, and it ultimately was rescinded. But no further steps were taken. There was no investigation regarding *why* such discriminatory and retaliatory actions had been taken in wholesale departure from standard practice.

120. Instead, Capt. Rocca, Lt. O'Connor, and Sgt. Grady remained Det. Donohue's commanding officers – and they were now angered that she – a woman they did not even want in their division – had shown them up. The work environment went from bad to worse.

121. In the spring of 2016, Det. Donohue was further marginalized in terms of the work environment and work assignments.

122. For instance, Lt. O'Connor assigned a lower ranking patrol officer to investigate a sexual assault case that, in the normal course, would have been assigned to Det. Donohue. Again in July, Lt. O'Connor bypassed Det. Donohue in the assigning of another sexual assault case, asking the patrol officer to handle the matter.

123. Det. Donohue raised further concerns about the disparate treatment she was facing and the impact of the hostile work environment on her health. She informed the WPD that she was concerned about the impact of the misconduct on her health and the stress-related condition she had suffered in April of 2013 and continued to suffer.

124. Yet matters got worse. Det. Donohue's commanding officers continued to scrutinize her work disparately and find fault with her conduct in circumstances where she did nothing different than her male colleagues. For instance, male detectives swore regularly in the Detectives Division. But when Det. Donohue used similar language, she was admonished.

125. Det. Donohue's supervisor refused to meet with her one-on-one.

126. She was excluded from opportunities to celebrate the work of the Department and feel a part of the group – something so essential to police work. For example, in May of 2016, the film Patriots Day about the Marathon Bombing was being filmed in Watertown. Male officers were informed of the opportunity to meet the actors and many apparently took their families. Det. Donohue was never so informed, despite her role in the events surrounding the bombing.

127. Shortly thereafter, Sgt. Grady admonished Det. Donohue when she responded to a query from a lieutenant from a different division of the WPD and assisted him on a case. His attitude towards her initiative was singularly harsh and not what Det. Donohue witnessed when male detectives assisted in handling work outside of their division.

128. Not only did her commanding officers disparately criticize Det. Donohue, but they also intentionally undermined her success. While standard practice within the division was to celebrate when successful police work lead to a confession or conviction, this did not occur when the success was Det. Donohue's.

129. Instead, on information and belief, Det. Donohue's commanding officers set the tone, demeaning her to her colleagues who then felt permission to become more even more open in their hostility towards her.

130. With statements fairly dripping with retaliatory animus, male detectives and patrolmen – understanding that it was now open season on her – accused her of having “a problem” with her fellow members of the force; they berated her publicly. Other male officers or detectives would refuse to speak with her.

131. The retaliatory and biased hostility Det. Donohue faced became increasingly pointed as spring turned to summer in 2016.

132. On May 24, 2016, a patrol lieutenant loudly screamed at Det. Donohue in front of colleagues to make a charging decision about a suspect in WPD custody. Det. Donohue informed him that, in her professional judgment, she did not have information sufficient to make such a decision, since she had not interviewed the victim or gathered the necessary evidence. The lieutenant berated her and publicly undermined her work and role. She had never witnessed him treating a male detective similarly. The public outburst – calling her basic investigative decision-making into question – further undermined her with her peers.

133. Det. Donohue was becoming worried and anxious, feeling unsafe on the job with the very people who would need to have her back in any difficult situation they, as members of

the force, might encounter. She was also feeling dispirited and depressed, as the work environment was becoming increasingly toxic and retaliatory.

134. On May 25, 2016, Det. Donohue texted Chief Lawn that “women [are] treated differently . . . and I personally know it.”

135. By June of 2016, Det. Donohue’s medical provider recommended that she take a leave of absence from the toxic work environment in which she found herself. She reached out to Chief Lawn because leaving was not what Det. Donohue wanted to do. She simply wanted redress.

136. The Chief responded: “you do what you want.” No redress was offered her. When Det. Donohue asked that a further investigation be conducted into the treatment she faced, Chief Lawn did nothing to make sure Det. Donohue was safe at work.

137. In June 2016, Lt. O’Connor informed Det. Donohue that a patrol officer would be permanently taking over “low-level” sexual assaults from her. The leadership of the Detectives’ Division also excluded Det. Donohue from working overtime, which she, as one of the most senior detectives, would normally have been tapped to take on.

138. In July of 2016, Det. Donohue asked to meet with Chief Lawn. He agreed. She described the increasingly retaliatory and biased environment in the Detectives’ Division. He told her that he would take care of it.

139. In August of 2016, Chief Lawn notified all women in the WPD that the Town had received an anonymous letter complaining that a woman police officer was being discriminated against and suffering from a hostile work environment.

140. Although Det. Donohue did not send the letter, on information and belief, the Town blamed Det. Donohue for the communication. This made matters worse and the retaliation against her sharpened into the fall of 2016.

141. In a job that requires cooperation and information sharing among members of the division, Det. Donohue was further isolated, given the cold shoulder, and marginalized.

142. Then, on October 17, 2016, Det. Donohue's supervisor Sgt. Grady, in the presence of co-workers and a civilian employee, publicly, incorrectly and inappropriately criticized her handling of an investigation of a case. The accusations he made were professionally damaging – and false. They were also dripping with gender stereotypes. Among other things, he mocked Det. Donohue's conduct, suggesting that she "could not wait to run to" a man who was in a dispute with his ex-wife.

143. Sgt. Grady was not content to only mock and disparage Det. Donohue in public. He directed her into his office with a wave of his hand. She asked if he was ordering her to his office, to which he did not reply. Det. Donohue repeated her question intentionally because she understood the importance of following an "order."

144. Sgt. Grady did not respond. Since his request had not been styled an "order," Det. Donohue determined that, in the interests of her own safety and well-being, at that time it was not prudent to be in a room alone with Sgt. Grady, with the door closed. She declined his request, and Sgt. Grady eventually returned to his office.

145. Following this incident, Det. Donohue immediately reported what had happened to Chief Lawn. He did nothing to address Sgt. Grady's inappropriate conduct.

146. But Sgt. Grady believed he could turn this around on Det. Donohue, so he filed an insubordination complaint against her. He also instructed those who were present – all his subordinates – to write up statements for him.

147. Det. Donohue attended a domestic violence training out of the office the day after the incident. Upon returning to the office on October 19, 2016, Det. Donohue was immediately summoned to a meeting with Capt. Rocca, with Lt. Unsworth as a witness, where she was given an “emergency” suspension and told to leave the building. Capt. Rocca ordered her to meet with Chief Lawn the next day.

148. Det. Donohue texted Chief Lawn after she was suspended. He responded: “I’m sick to my stomach over all this.”

149. Det. Donohue has witnessed arguments between male detectives and sergeants before. She had seen arguments where profanity was hurled by both sides and a subordinate would walk away. The dispute would blow over. For instance, earlier in 2016, another—male—detective was certainly insubordinate and engaged in a heated and loud argument with Sgt. Grady in public. On information and belief, he received no punishment and certainly not an emergency suspension.

150. The suspension memo from Capt. Rocca stated that the “emergency suspension is due to the reported incident on Monday, October 17, 2016 in which you refused a direct and lawful order from your immediate supervisor Detective Sgt. Thomas Grady.” Det. Donohue never refused an order from Sgt. Grady.

151. “Emergency” disciplinary actions are to be reserved for circumstances where serious, gross misconduct is alleged on the part of the officer. Even then the tool is sparingly used.

152. The imposition of the emergency suspension in this instance was inconsistent with both protocol and standard practice at the WPD.

153. For instance, a male patrolman who worked at the Watertown Middle School was alleged to have engaged in inappropriate conduct towards a female staff member and female students. As alleged, this patrolman encouraged female students to cut class to sleep in his office, showed them a sexually charged video and an inappropriate internet site. It was further alleged that the patrolman spent time off campus with one student who was a victim of sexual abuse, gave her money, and encourage her to call him "daddy". That same officer was also alleged to have punched a student. When these allegations came to the attention of the WPD, on information and belief, the officer was not put out on an "emergency suspension." He continued on at the WPD, supported by the Union. On information and belief, while he was reassigned, he never lost his job or was suspended.

154. Another male officer, during his tenure on the force, forged identities in order to obtain controlled substances illegally. On information and belief, he was not emergently suspended.

155. Another male officer lied directly to the Chief about being present on a detail when he was in fact getting a haircut. On information and belief, he was not emergently suspended.

156. Det. Donohue met with Chief Lawn the next day. Capt. Rocca interrupted the meeting to ask if Chief Lawn wanted him to sit in on the meeting, which Chief Lawn declined.

157. Chief Lawn lifted the "emergency" suspension, and sent Det. Donohue home to write a report.

158. That action seemed to offer Det. Donohue some hope of fair treatment in this matter. But on October 21, 2016, Det. Donohue's work emails stopped arriving on her cell phone. When she tried to log in, she received a notification that her password had been changed. She notified Chief Lawn and provided him with her personal email address. Her access was not restored, however.

159. In fact, at all times since October 17, 2016, communications that she would normally be a part of with her colleagues in the Detectives Division ceased.

160. Det. Donohue submitted her report to Chief Lawn on October 24, 2016. She wrote:

Sgt. Grady has been unprofessional towards me in the workplace not just on this date but in the past. I have reported those incidents and many other incidents where I have been subjected to mistreatment and unprofessional conduct not only by Sgt. Grady but also by my peers and other superior officers at the Watertown Police Department. None of those past reported incidents have been appropriately addressed. Not only have I been subjected to such hostile and unprofessional conduct in the workplace but also I have witnessed and have knowledge of my co-workers, both peers and superior officers, participate and engage in similar behavior. Also, I have been subjected to sexual harassment by my superior officers and peers in the past. It seems it is a weekly occurrence that examples of working in a hostile work environment occur in the detective division at the Watertown Police Department for over a year now.

161. Nothing had been done.

162. Based on the distress and anxiety Det. Donohue was experiencing, she requested paperwork to take an injured-on-duty leave. Prior to even submitting that paperwork, she was informed that Capt. Dupuis had already determined to deny her claim.

163. When she requested that the Union provide her with a consultation with the union lawyer prior to her appeal hearing on November 17, 2016, the WPA denied the request. An emergency suspension certainly could lead to an officer's loss of employment, but nevertheless the union refused to provide counsel.

164. In contrast, other male union members were regularly provided with representation for far less serious circumstances. For instance, union members were provided with representation prior to interviews with Ms. Shattuck as part of the "investigation" initiated by Det. Donohue's complaint in 2013. Another officer, someone who had provided the home addresses of colleagues to drug dealers so that the dealers could intimidate those officers, was given a union attorney to represent him in conduct for which he was ultimately prosecuted.

165. When Det. Donohue contacted her colleagues who witnessed the incident with Sgt. Grady to gather witness statements, Sgt. Grady instructed Det. Donohue's colleagues not to speak with her.

166. Union President Martin was aware of this impermissible directive but did nothing to initiate a grievance on Det. Donohue's behalf, contrary to the Union's duty of fair representation.

167. Indeed, while Union President Martin suggested support to Det. Donohue, on information and belief, he contributed to the undermining of Det. Donohue to others in senior leadership.

168. Det. Donohue met with Chief Lawn on November 22, 2016, and she again told him that Sgt. Grady had manufactured the dispute and the basis for the suspension. She described how shaken she had become by the increasing hostility around her at work and the insistent undermining of her authority, preventing her from doing her job and putting her at risk.

169. Chief Lawn offered to get Det. Donohue's personal items out of her desk, though he never did this.

170. Det. Donohue and Chief Lawn also discussed that she would meet with the attorney Lawn had retained to investigate her complaint of harassment. Lawn suggested that Det.

Donohue inform the investigating attorney what had happened but not to mention any of her background with him.

171. The Town has now claimed that Det. Donohue communicated that she did not wish for the Town to investigate her concerns. That is untrue.

172. Det. Donohue and Chief Lawn met again on Dec. 22, 2016 in private; they talked as both of them sat in their separate cars. She told him that she was not doing well, that her doctors did not recommend she return to the WPD absent real change in the work environment, and that she was shaken and felt deeply unsafe.

173. As though aware that the hostility of Det. Donohue's work environment could mean exposure for him, Chief Lawn became angry that she now was insisting on real change. His reaction was alarming: The Chief slammed his hands on the steering wheel of his vehicle, threw his cell phone on the floor, yelled at Det. Donohue, and drove away. Their conversation had lasted only a few minutes – but it left Det. Donohue completely hopeless and shaken.

174. Although she had already been told it was futile, Det. Donohue submitted her paperwork to Chief Lawn to request an injured-on-duty leave, as such a designation entitles an employee to continued salary and benefits. Her application was appropriately accompanied by documentation from her healthcare provider. She subsequently provided further information from other providers.

175. Her care providers unanimously recommended that she remain out on leave based on conditions at work. As Beth Goldman, M.D. put it: "I have strongly recommended that Ms. Donohue NOT return to work, as this would most certainly further exacerbate ... medical issues and jeopardize her health."

176. Despite the evidence that Det. Donohue was injured while performing police work, the Town has taken the position that it has no obligation to place her on an injured on duty leave. Her application for such a leave was denied on January 24, 2017.

177. At that time, Chief Lawn also denied Det. Donohue's appeal of the emergency suspension for insubordination and conduct towards a superior officer. He stated that this constituted a serious violation and issued a written reprimand to be placed in her personnel file.

178. Det. Donohue's paid leave ran out on April 16, 2017, and she has not received her regular pay since that time, despite being injured on duty. She has not – and cannot, without a promise of a remedied work environment – return to the police work she had loved and the career to which she was devoted.

179. The WPD has apparently been looking to demean and harm Det. Donohue even after she went out on leave.

180. In a disturbing episode, on September 19, 2017, a WPD officer who is the school resource officer at the Watertown Middle School attended by Det. Donohue's twin sons, approached them in the lunchroom. They had never sought him out.

181. Unsolicited, he told them that if there was something happening at home, that they could talk to him about it, and that they were family since they attended the school and he was the officer for the school. Det. Donohue's sons did not respond to this troubling approach.

182. Over the course of years, Det. Donohue endured a sexually charged, hostile work environment, stubbornly disparate treatment and gender stereotyping that limited her roles and her opportunities. When she raised concerns, in addition to all of that, she suffered increasingly punishing retaliation. Ultimately she could not do her work in an environment that had become overwhelmingly hostile and intolerable.

183. The misconduct Det. Donohue endured over years and the studied indifference of the Town to what occurred after she raised concerns, is not only intentional but outrageous.

184. Det. Donohue has suffered – and continues to suffer – significant emotional distress, as well as economic losses, both in terms of salary and pension, and a deep loss of reputation and along with other consequential damages.

COUNT I

Gender Discrimination Under M.G.L. c. 151B Town of Watertown/Watertown Police Department

185. Paragraphs 1 through 184 of this complaint are incorporated herein by reference.

186. All administrative and jurisdictional prerequisites to bringing this action under M.G.L. c. 151B have been met.

187. The Town, and the WPD, through the acts and omissions described above, *inter alia*, have discriminated against her because of her gender in violation of M.G.L. c. 151B, § 4(1). The Town, and the WPD have discriminated against Det. Donohue by subjecting her to sexual harassment and a sexually hostile work environment in violation of M.G.L. c. 151B, § 4(1).

188. The Town, and the WPD, through the acts and omissions described above, *inter alia*, have aided, abetted, incited, compelled and/or coerced others into creating a sexually hostile work environment and otherwise discriminating unlawfully against Det. Donohue because of her gender, in violation of M.G.L. c. 151B, § 4(5), and also interfered with Det. Donohue's right to work free from sexual harassment and other forms of gender discrimination in violation of M.G.L. c. 151B, §4(4A).

189. The conduct alleged is outrageous and requires condemnation, such that the imposition of punitive damages is warranted.

190. As a result of the Town, and the WPD's, discriminatory conduct, Det. Donohue endured a hostile work environment over the course of years and was ultimately constructively discharged. Over the course of she has suffered and continues to suffer damages including, but not limited to, loss of compensation and professional opportunities, other financial losses, including the loss of pension and other benefits, loss of personal and professional reputation, pain and suffering, and emotional distress.

COUNT II

Gender Discrimination Under M.G.L. c. 151B Watertown Police Association

191. Paragraphs 1 through 184 of this complaint are incorporated herein by reference.

192. All administrative and jurisdictional prerequisites to bringing this action under M.G.L. c. 151B have been met.

193. The WPA is a "labor organization" as defined in M.G.L. c. 151B, sec. 1(3).

194. The WPA, through the acts and omissions described above, *inter alia*, has unlawfully discriminated against Det. Donohue because of her gender in violation of M.G.L. c. 151B, § 4(2). The WPA has discriminated against Det. Donohue by subjecting her to sexual harassment and a sexually hostile work environment in violation of M.G.L. c. 151B, § 4(2).

195. The WPA, through the acts and omissions described above, *inter alia*, has aided, abetted, incited, compelled and/or coerced others into creating a sexually hostile work environment and otherwise discriminating unlawfully against Det. Donohue because of her gender, in violation of M.G.L. c. 151B, §§ 4(5), and also interfered with Det. Donohue's right to work free from sexual harassment and other forms of gender discrimination in violation of M.G.L. c. 151B, §4(4A).

196. The conduct alleged is outrageous and requires condemnation such that the imposition of punitive damages is warranted.

197. As a result of the WPA's, discriminatory conduct, Det. Donohue endured a hostile work environment over the course of years and was ultimately constructively discharged. Over the course of she has suffered and continues to suffer damages including, but not limited to, loss of compensation and professional opportunities, other financial losses, including the loss of pension and other benefits, loss of personal and professional reputation, pain and suffering, and emotional distress.

COUNT III

Retaliation Under M.G.L. c. 151B Town of Watertown/Watertown Police Department

198. Paragraphs 1 through 184 of this complaint are incorporated herein by reference.

199. The Town, and the WPD, through the acts and omissions described above, *inter alia*, have retaliated against Det. Donohue for having opposed practices forbidden by M.G.L. c. 151B in violation of M.G.L. c. 151B §§ 4(4) and 4(4A) and 4(5).

200. All administrative and jurisdictional prerequisites to bringing this action under M.G.L. c. 151B have been met.

201. The conduct alleged is outrageous and requires condemnation such that the imposition of punitive damages is warranted.

202. As a result of the Town and the WPD's, retaliatory conduct, Det. Donohue has endured a retaliatory work environment over the course of years and, ultimately was constructively discharged and has suffered and continues to suffer damages including, but not limited to, loss of compensation and professional opportunities, other financial losses, including

the loss of pension and other benefits, loss of personal and professional reputation, pain and suffering, and emotional distress.

COUNT IV

Retaliation Under M.G.L. c. 151B Watertown Police Association

203. Paragraphs 1 through 184 of this complaint are incorporated herein by reference.

204. All administrative and jurisdictional prerequisites to bringing this action under M.G.L. c. 151B have been met.

205. The WPA, through the acts and omissions described above, *inter alia*, has retaliated against Det. Donohue for having opposed practices forbidden by M.G.L. c. 151B in violation of M.G.L. c. 151B §§ 4(4) and 4(4A) and 4(5).

206. The conduct alleged is outrageous and requires condemnation such that the imposition of punitive damages is warranted.

207. As a result of the WPA's retaliatory conduct, Det. Donohue has suffered and continues to suffer damages including, but not limited to, loss of compensation and professional opportunities, other financial losses, including the loss of pension and other benefits, loss of personal and professional reputation, pain and suffering, and emotional distress.

COUNT V

Tortious Interference with Contractual and/or Advantageous Relations Watertown Police Association

208. Paragraphs 1 through 184 of this complaint are incorporated herein by reference.

209. Det. Donohue had a contractual and/or advantageous employment relationship with the Town, and the WPD.

210. By his above-described conduct, the WPA did knowingly, improperly, and malevolently, and without lawful justification, interfere with Det. Donohue's advantageous and/or contractual relations with the Town and the WPD.

211. The WPA's intentional interference caused Det. Donohue to suffer damages including but not limited loss of compensation and professional opportunities, other financial losses, including the loss of pension and other benefits, loss of personal and professional reputation, pain and suffering, and emotional distress.

COUNT VI

Breach of the Duty of Fair Representation Watertown Police Association Under M.G.L. c. 150E, § 10(b)

212. Paragraphs 1 through 184 of this complaint are incorporated herein by reference.

213. The WPA's duty of fair representation derives from its status as the exclusive bargaining representative of police officers of the WPD, including Det. Donohue. The WPA has a duty to represent its members fairly in connection with issues that arise under the collective bargaining agreement.

214. The duty of fair representation applies to the WPA in all union activity, including but not limited to instances where it is acting in its role as a representative of bargaining unit members. A breach of the collective bargaining agreement is not required for a claim for a breach of the duty of fair representation.

215. The WPA has breached its duty of fair representation to Det. Donohue by discriminating against her and acting in bad faith and/or arbitrarily towards her. The WPA has breached its obligations under its bylaws to Det. Donohue, including its duty to make a good faith determination regarding whether to provide counsel to Det. Donohue based on a good faith

investigation of all circumstances, and other required considerations. The WPA also breached its obligations to her as her representative under the collective bargaining agreement with the Town.

216. The WPA has breached its duty of fair representation of Det. Donohue in numerous other ways. It has failed to treat Det. Donohue in the same way that it treats its male members, including affording her access to union resources, including counsel. The WPA, through its agents acting under the cover of union business, has breached its duty by circulating false and defamatory rumors regarding Det. Donohue and seeking access to her private medical information without proper cause. The WPA has also breached its duty by creating a harassing and hostile environment for Det. Donohue, which required that she resign as WPA Treasurer, by wrongfully failing to cooperate with the Town's investigation of Det. Donohue's complaint of harassment by claiming that it related to WPA business, and by failing to stop the harassment of Det. Donohue by WPA members.

217. By violating its duty of fair representation against Det. Donohue by discriminating against her based on gender, and retaliating against her, the WPA has also violated Chapter 151B.

218. The conduct alleged is outrageous and requires condemnation such that the imposition of punitive damages is warranted.

219. The WPA's breach of its duty of fair representation caused Det. Donohue to suffer damages including but not limited loss of compensation and professional opportunities, other financial losses, including the loss of pension and other benefits, loss of personal and professional reputation, pain and suffering, and emotional distress.