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Lawsuit by former Brockton cop tries to force city to repay federal grants

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BROCKTON – A recently unsealed federal lawsuit could cost the city millions of dollars and mandate reform of its police discrimination policies.

In the lawsuit, a former Brockton detective alleges that “a pattern and practice of unlawful discriminatory police conduct” he witnessed over 15 years demonstrates that the city lied on applications for federal community policing grants and that it should be forced to repay those funds.

It was filed by Ken Williams, a decorated African-American detective who retired in 2010 after what he claims was retaliation by supervisors for helping a Brockton resident file a racial discrimination complaint against the city. A separate lawsuit involving that claim is scheduled for trial in U.S. District Court in December.

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Ken Williams

“I’ve been doing this type of work for 10 years, keeping up with the latest cases, and I’ve not heard of this type of claim,” said David Milton, an attorney who has successfully tried numerous police conduct and First Amendment cases. “It’s a totally novel, interesting theory.”

Robert Sinsheimer’s Boston law firm specializes in police brutality, victim’s rights and employment law, among other areas. He has represented clients involved in so-called “qui tam” cases such as this, in which a whistleblower brings a lawsuit against an organization on behalf of the government and receives a portion of any damages won.

Sinsheimer said this is the first case he has heard of involving an attempt to reshape a police department’s policies using the leverage of federal fines and repayment of grants.

“This is a very high-quality pleading, and could have an enormous quality impact on policing around the country,” Sinsheimer said.

Williams brought forward the suit with the help of two Washington, D.C., law firms. One of his attorneys is Thomas Poulin, a former partner with international firm Blank Rome LLP who specializes in whistleblower and fraud lawsuits. He declined to comment for this article.

Unlike with his first suit, which Williams described in a previous interview as an attempt to teach the city and police department “a lesson in court,” he declined to elaborate on this second lawsuit. He did, however, shed a light on his motives.

Williams, 48, is now a Lakeville resident. Since retiring with disability in 2010, he has worked as a part-time document examiner for the Plymouth County Sheriff’s Office and started his own firm consulting on out-of-state wrongful death cases.

He said he draws much of his civil rights inspiration from his late father, also Kenneth Williams, who helped lead a boycott in the 1960s against Polaroid for providing a camera system to the South African government that helped create identification cards for black residents during apartheid.

Eventually, under pressure to avoid business practices that could support segregation, Polaroid and other companies dropped their investments in the country.

“The same abuse takes place today under the guise of public safety, but it violates people’s rights,” Williams said. “It showed me that when you’re right, you’re right.”

In the suit, Williams leans on his own experience, describes several discrimination lawsuits filed against the department and refers to hundreds of other discrimination complaints lodged with the city.

For instance, Williams claims the department had an unofficial policy of not pairing minority officers together when he joined the force, that a training officer showed a video of the racially charged beating of Rodney King to demonstrate how to break bones of suspects, and that the department has employed officers it hired for bilingual skills who turned out not to speak another language.

Police Chief Robert Hayden referred questions about the suit to City Solicitor Philip Nessralla, who did not respond to a request for comment. The mayor’s office declined to comment on the suit because it is pending litigation.

A spokesman for the U.S. Attorney’s Office in Boston would not confirm or deny the office’s involvement in the case, though a federal attorney was named as a representative for the government in the suit when it was filed in 2012.

In these types of cases, the government may decide to take over the lawsuit, or decline to join and allow the plaintiff to attempt to win damages by themselves.

Several million dollars is at stake in this case.

From 1995 to 2011, the Brockton Police Department funded the salaries of 41 police officers, including Williams, using \$5.8 million worth of so-called COPS grants, according to the U.S. Department of Justice.

When applying for the grants, the city had to sign a document promising it would not discriminate against anyone in connection with its use of the federal funds “on the ground of race, color, religion, national origin, gender, disability or age ...”

If successful, the suit would also require the city to pay a fine of \$5,000 to \$10,000 for each proven fraudulent claim, pay attorneys fees and applicable damages and require the department to “implement sustainable reforms establishing Constitutional police practices ...”

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