

**IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ARKANSAS
CIVIL DIVISION**

DENISE RICHARDSON

PLAINTIFF

v.

CASE NO.

CITY OF PINE BLUFF

DEFENDANT

VERIFIED COMPLAINT

COMES NOW, the Plaintiff, Denise Richardson, by and through her attorney Bradley Hull of Hickey and Hull Law Partners, and for her Complaint states:

I. PARTIES AND JURISDICTION

1. The Plaintiff, Denise Richardson, is an individual who resides in Pine Bluff, Arkansas, and previously worked for the City of Pine Bluff's Police Department (the "Department").

2. The violations described herein occurred in Jefferson County, Arkansas.

3. Defendant, City of Pine Bluff, Arkansas (the "City"), is a municipal corporation located in Jefferson County, Arkansas and formed pursuant to the laws of the State of Arkansas.

4. Based on the foregoing, this Court has subject matter and personal jurisdiction over this action, and venue is proper herein.

II. BACKGROUND

5. Plaintiff is a graduate of the University of Arkansas Pine Bluff and holds a Bachelor's Degree in Criminal Justice.

6. Plaintiff is a decorated police officer with numerous awards and accomplishments throughout her career.

7. Plaintiff was hired by the City as a police officer on or about February 7, 1994.

8. Plaintiff was promoted to Sergeant on or about March 8, 2003.

9. Plaintiff was promoted to Lieutenant on or about February 8, 2007.

10. Plaintiff was promoted to Captain on or about April 23, 2018.

11. Plaintiff was promoted to Deputy Chief on or about June 1, 2020.

12. Plaintiff was appointed Chief of Police by former Mayor Shirley Washington on or about July 20, 2022.

13. Mayor Washington lost re-election and was replaced by Mayor Vivian Flowers on or about January 1, 2025.

14. Within the first week of taking office, Mayor Flowers began discussing with Plaintiff the upcoming decertification hearings for Officers Hilliard and Trimble. Mayor Flowers did not want the decertifications to move forward.

15. Officer Hilliard was suspended for submitting fraudulent time cards and reporting she was on duty, when she was not. She appealed the suspension and was not truthful during the hearing. Her suspension was upheld on the time card infraction and she was terminated based on an ethics violation due to her untruthfulness.

16. Officer Trimble had been terminated for misconduct in the treatment of a suspect during an arrest.

17. Both decertification hearings had been set in early 2024, prior to Mayor Flowers becoming mayor, and they were the responsibility of the Commission on Law Enforcement Standards and Training (CLEST) Board.

18. Mayor Flowers demanded that Plaintiff change the Department's policy regarding cardinal offenses, which had been outlined throughout the Department's handbook and were based on the standard that is set out by the State of Arkansas.

19. Mayor Flowers instructed Plaintiff not to request any other officer decertifications.

20. Mayor Flowers requested Plaintiff to meet with her the morning of March 11, 2025, despite having knowledge that Plaintiff was scheduled to testify in the decertification hearing of Officer Trimble that same morning.

21. Upon information and belief, on the morning of March 11, 2025, Mayor Flowers called the CLEST office asking that the hearing for Officer Trimble be removed from the docket.

22. The hearing did occur on March 11, 2025, and Plaintiff did testify. CLEST did strip Officer Trimble of his certification due to his treatment of a suspect, which included the use of demeaning language and inappropriate discharge of a taser.

23. On or about March 24, 2025, Mayor Flowers informed Plaintiff that she had been terminated.

24. Notably on the same date, the City allowed the Fire Chief to retire from his position - an option not provided to Plaintiff. He was given over a week to leave his office - an option also not provided to Plaintiff.

25. Mayor Flowers stated with regards to Plaintiff's termination: "This decision is made without cause and is not a reflection of your job performance but rather my decision to go in a different direction with the Pine Bluff Police Department."

26. The Department's public information lieutenant posted after Plaintiff's termination: "Chief Richardson has been more than a leader to me during my time with the department – she's been a mentor, an inspiration, and a steady presence in times of uncertainty...Her dedication to this city and to the people who serve it has left a lasting mark."

27. The Pine Bluff Fraternal Order of Police issued a statement after Plaintiff's termination in which it stated its members believed the termination was an error and listed the following information from Plaintiff's tenure as support for their position:

- a. Overall crime reduced by 11% through renewed focus on community policing and internal strategic initiatives;
- b. State Accreditation for the first time in its history, dating back to 1839;
- c. Implemented various policies aimed at improving officer retention, morale, and mental health;
- d. Led the launch of the Real Time Crime Center, a major initiative for real time response in Pine Bluff;
- e. Directed the successful re-entry of the Department's Vice Unit into the Tri-County Drug Task Force; and
- f. She was recognized national and locally for her service, including the 2022 NAWLEE Rising Star Award, 2023 Pine Bluff Chamber Woman in Public Service Award, and 2024 Urbane Magazine Women of Worth in Public Service Award.

28. On the date of Plaintiff's termination, Mayor Flowers required her to meet her at the police department. She did not disclose the purpose of the meeting.

29. The mayor's actions evidence a bad faith motivation.

30. On or about March 27, 2025, the interim chief of police Shirley Warrior held a meeting with the staff of the Department. Mayor Flowers attended the meeting. During this meeting, Mayor Flowers confirmed that she had issues with the way that decertifications had been handled by Plaintiff and expressed her disagreement in particular with the decertification request for Officer Hilliard. Notably, Mayor Flowers did not express any other specific points of disagreement with Plaintiff during her statements to the staff.

31. Since Plaintiff's termination, upon information and belief, Mayor Flowers and the Department's interim chief have requested that CLEST reverse the decertification of Officer Trimble (which is not within the City's authority). They have also attempted to remove the three remaining decertification hearings that had been scheduled during Plaintiff's tenure, but remain on the CLEST's docket to be heard.

32. Mayor Flowers frequently questioned Plaintiff about political matters. She was unhappy when Plaintiff did not actively wish to support her political positions. These included issues related to restoration of gun rights for felons and a city sales tax issue.

33. The City's handbook states that "[a]n individual's political affiliation, preference, or opinion will not in any way influence his/her appointment, retention, or promotion as an employee."

34. The Law Enforcement Code of Ethics issued by CLEST includes the following pledges:

- a. I will be exemplary in obeying the law, and the regulations of my department.
- b. I WILL never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions.
- c. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

35. The City's actions, primarily through its agent Mayor Flowers, demanded Plaintiff to go against the well established policies of the City and the State of Arkansas.

36. The City's retaliation against Plaintiff for refusing to abandon her duties as Chief of police, including testifying in a duly authorized decertification proceeding, violate the well established policies of the City and the State of Arkansas.

37. At the time of her termination, Plaintiff earned approximately \$119,000.00 per year.

38. Since her termination, Plaintiff has lost earnings.

39. Plaintiff was forced to take her retirement early due to her termination, which caused her additional financial damages.

40. The fact that Plaintiff was terminated has negatively impacted her service record and has tarnished her otherwise excellent reputation. It has also made it difficult for her to receive similar employment.

III. CLAIMS AGAINST DEFENDANT

CLAIMS I: VIOLATION OF THE ARKANSAS WHISTLEBLOWER STATUTE

41. Plaintiff realleges each and every statement contained in the previous paragraphs as though fully laid out herein.

42. Plaintiff was a public employee with the City.

43. Mayor Flowers is an agent of the City with respect to actions taken in her official capacity as the Mayor.

44. Under Arkansas law, a public employer – or an agent of the public employer – shall not take adverse action against a public employee because the employee participates or gives information in an investigation, hearing, court proceeding, legislative or other inquiry, or in any form of administrative review. A.C.A. § 21-1-603(c).

45. Arkansas law further states that a public employer shall not take an adverse action against a public employee because an employee has objected to or refused to carry out a directive that the employee reasonably believes violates a law or a rule or regulation adopted under the authority of laws of the state or a political subdivision of the state. A.C.A § 21-1-603(d).

46. Within the meaning of the Arkansas Whistleblower Act, “adverse action” means “discharge, threaten, or otherwise discriminate or retaliate against a public employee in any manner that affects the employee’s employment, including compensation, job location, rights, immunities, promotions, or privileges.” A.C.A. § 21-1-602(1).

47. Plaintiff was terminated from her position as Chief because of her involvement and participation in the decertification proceedings of officers that had committed offenses which warranted a decertification request.

48. Decertification procedures performed by CLEST are a form of administrative review conducted by the State of Arkansas.

49. Plaintiff had no performance issues in her role as Chief. The City has acknowledged this and the evidence is clear that she has a tremendous performance record in over 30 years of service to the community.

50. Defendant took adverse action against Plaintiff by discharging her. Defendant had no justification for termination of Plaintiff. Mayor Flowers made statements thereafter indicating that she terminated Plaintiff based on her participation in the decertification hearings. Further, the City's subsequent actions to have the decertification process reversed or halted evidences the clear intent of the City in terminating Plaintiff.

51. The City's actions are in violation of the Arkansas Whistleblower Act.

52. As a result of the violation of the Arkansas Whistleblower Act, Plaintiff is entitled to compensation for actual damages, in an amount to be established by the evidence adduced at trial:

- a. Lost wages caused by Plaintiff's termination;
- b. Lost future wages;
- c. Court costs;
- d. Attorney's fees.

CLAIM II: WRONGFUL DISCHARGE

53. Plaintiff realleges each and every statement contained in the previous paragraphs as though fully laid out herein.

54. Even where an employee does not have a contract, she cannot be terminated in a manner that violates a well-established public policy of the State of Arkansas.

55. Defendant terminated Plaintiff for participation in the decertification hearing process.

56. It is well established policy of the State and the City that Plaintiff as Chief of Police should not act on political motivations; but she should act in adherence to her ethical obligations

and uphold the standards expected of law enforcement officers. This includes issuing appropriate discipline for offenses and participating in the administrative review process conducted by the State of Arkansas.

57. The City terminated Plaintiff because she refused to disregard those policies and regulations.

58. The City's termination of Plaintiff violated public policy of the State of Arkansas.

59. Plaintiff should be provided compensatory damages for the harm caused by her wrongful discharge.

CLAIM III: PUNITIVE DAMAGES

60. Plaintiff realleges each and every statement contained in the previous paragraphs as though fully laid out herein.

61. Plaintiff is further entitled to punitive damages, pursuant to A.C.A. § 16-55-206, because Plaintiff is entitled to compensatory damages and:

- a. Defendant knew or should have known that their conduct would naturally and probably result in injury or damage, and then continued the conduct with malice or in reckless disregard of the consequences, from which may be inferred; and
- b. Defendant intentionally pursued a course of conduct for the purpose of causing injury or damage.

62. The City knew that Plaintiff, as Chief of Police, had an obligation to cooperate with the decertification hearing procedures.

63. Mayor Flowers went so far as to acknowledge that Plaintiff had discretion with regards to these matters. Instead of allowing her to properly exercise this discretion, though, Mayor

Flowers terminated Plaintiff. It is apparent that Mayor Flowers acted with reckless disregard of the law, and intentionally violated Plaintiff's rights in order to make it easier for her to try to interfere with the pending decertification proceedings.

64. Mayor Flowers knew or should have known that she could not bypass these legal constraints simply by terminating Plaintiff. In doing so, she acted intentionally and with the purpose of damaging Plaintiff.

WHEREFORE, Plaintiff, Denise Richardson, requests a trial by jury; that this Court enter a judgement against the Defendant; for an award of compensatory damages in an amount to be established at trial; for punitive damages; for an award of pre and post judgment interest at the maximum allowable rate under the law; for reasonable attorney fees and costs; and for any other relief for which Plaintiff may be entitled.

Respectfully submitted,
Denise Richardson, Plaintiff

By:



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VERIFICATION

I, Denise Richardson, having first been duly sworn, state upon oath that I have read the above and foregoing pleading, and that the facts contained therein are true and correct to the best of my knowledge, information, and belief.


Denise Richardson

9th SUBSCRIBED AND SWORN TO before me, the undersigned Notary Public, on this
day of May, 2025.


NOTARY PUBLIC

My Commission Expires:

Jan. 24, 2035

