

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ANTHONY PAPARO,	:	
	:	CIVIL ACTION
Plaintiff,	:	No.
	:	
v.	:	
	:	
BOROUGH OF YEADON, SHARON	:	
COUNCIL-HARRIS, Individually and in	:	JURY TRIAL DEMANDED
Her Official Capacity as PRESIDENT OF	:	
YEADON BOROUGH COUNCIL;	:	
LEARIN JOHNSON, Individually and in	:	
her official capacity as VICE PRESIDENT	:	
OF YEADON BOROUGH COUNCIL;	:	
TOMEKA JONES-WATERS,	:	
Individually and in her official capacity as	:	
PRESIDENT PRO TEMPORE OF	:	
YEADON BOROUGH COUNCIL, and	:	
CARLETTE BROOKS, Individually and	:	
in her official capacity as a Member of	:	
YEADON BOROUGH COUNCIL,	:	
Defendants.	:	
	:	

COMPLAINT

“We cannot accept the view that the terms of § 1981 exclude its application to racial discrimination against white persons. On the contrary, the statute explicitly applies to ‘all persons’, including white persons.”

McDonald v. Santa Fe Trail Transportation Co., 427 U.S. 273, 287 (1976) (Marshall, J.)

1. Until the defendants named here unlawfully fired him on account of his race and without the required due process hearing, plaintiff Anthony Paparo had had a fulfilling, distinguished, and unblemished career as a law enforcement officer.

2. From June 1985 until December 2017, he was employed as a police officer by Upper Darby Township. There, he rose to the rank of Captain, a position in which he displayed management and leadership abilities that drew widespread praise not just for his performance but as well for his integrity and dedication.

3. For the last four years, from January 2, 2018 until February 17, 2022 plaintiff Paparo was the Chief of Police of defendant Borough of Yeadon -- a period during which he and his department annually reduced the rate of crime in the Borough, developed close working relationships with the community and made the residents of Yeadon safe and secure in their homes and businesses. For that and much more, he became a beloved member of the Yeadon community.

4. Plaintiff Paparo is White. Nearly 90% of Yeadon's residents are African-American. But his race was irrelevant to them; it was his achievements, dedication, concern, and integrity that mattered and, for those qualities, he and the officers who served under him earned the community's trust and respect.

5. All that changed after a new group of Borough Council Members took office and control of the Borough on January 3, 2022. To them plaintiff's race *did* matter. To them, Yeadon was a Black town, and they wanted a Black Chief of Police to replace plaintiff Paparo. And they plotted and conspired to achieve that result even before they took office on January 3, 2022.

6. And so, on February 17, 2022, at a public meeting of the Yeadon Borough Council allegedly designed to give him “a due process hearing,” they achieved that result by a vote of 4-3.

7. The four Members of Council who voted to fire plaintiff Paparo that day (all of whom are Black) were: Sharon Council-Harris, the Council President; Learin Johnson, the Council Vice President; Tomeka Jones-Waters, the Council’s President Pro Tempore; and Carlette Brooks, a Member of Council.

8. The three Members of Council who dissented from that vote (all of whom are also Black) were: LaToya Monroe; Liana Roadcloud; and Nicole Beaty. They dissented on grounds that firing Chief Paparo for racial reasons was unlawful.

9. Nor was Chief Paparo’s firing the result of a fair, impartial due process hearing. Quite the contrary. It was a sham proceeding, the votes to fire him already cast and known beforehand. Moreover, it occurred among false and defamatory charges that Chief Paparo was guilty of money mismanagement and wage theft in connection with the Borough’s collective bargaining agreement with the Fraternal Order of Police (“FOP”).

10. Yet, at the February 17, 2022 “hearing,” the vote occurred (a) *without* a single witness offered against the Chief; (b) *without* a single document being offered to support the charges against him; (c) *without* a single question put to the Chief; (d) *without* any discussion by the four members in the majority to explain their vote; and (e) *without* the rendering of any findings of fact or conclusions of law to support their vote.

11. Not only that. Despite a motion by the Chief’s counsel at the February 17, 2022 “hearing” to disqualify defendants Sharon Council-Harris, Learin Johnson, Tomeka Jones-Waters and Carlette Brooks on grounds of race bias and prejudice, they ignored the motion and refused to discuss, dispute, or even bring the disqualification motion up for a vote.

12. Based on these facts, as more fully described below, plaintiff Paparo today has filed this lawsuit against the named defendants seeking redress for the violations of his right to equal employment opportunity as protected by the following post-Civil War federal civil rights statutes: 42 U.S.C. §§ 1981, 1983 and 1985(3). In addition, he seeks relief for the defendants’ blatant refusal to provide him with a bias-free “name clearing hearing” as required by the Due Process Clause of the Fourteenth Amendment to the United States Constitution.

13. To remedy these violations of his rights, plaintiff Paparo seeks legal and equitable relief against defendant Borough of Yeadon and compensatory and punitive damages against the four individually named defendants in their individual capacities

PARTIES

14. **Plaintiff Anthony Paparo** was appointed as Yeadon’s Chief of Police effective January 2, 2018. He was employed in that capacity until February 17, 2022 when he was fired as a result of the previously-described 4-3 vote of Borough Council.

15. **Defendant Borough of Yeadon** is located in Delaware County, Pennsylvania. It maintains its official headquarters at 600 Church Lane, Yeadon, Pennsylvania 19050.

16. **Defendant Sharon Council-Harris**, sued in her official and individual capacities, is President of Yeadon's Borough Council. Her term of office runs from 2022 to 2026.

17. **Defendant Learin Johnson**, sued in her official and individual capacities, is the Vice President of Yeadon's Borough Council. Her term of office runs from 2022 to 2026.

18. **Defendant Tomeka Jones-Waters**, sued in her official and individual capacities, is the President Pro Tempore of Yeadon's Borough Council. Her term of office runs from 2020 to 2024.

19. **Defendant Carlette Brooks**, sued in her official and individual capacities, is a Member of Yeadon's Borough Council. Her term of office runs from 2022 to 2026.

JURISDICTION AND VENUE

20. The Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1343(a)(1)-(3) in that plaintiff Paparo's claims for relief are brought pursuant to the provisions of 42 U.S.C. §§ 1981, 1983 and 1985(3).

21. The Court has personal jurisdiction over all the parties to this action since they work and reside in this judicial district and because plaintiff's claims for relief

occurred here as well. For the same reasons, venue is properly laid in this Court pursuant to 28 U.S.C. § 1391(b)(1) and (2).

ADDITIONAL FACTS

The Borough's Form of Government

22. Under Pennsylvania's Borough Code, 8 Pa.C.S.A. § 101 *et seq.*, the Yeadon Borough Council is comprised of seven elected members, each of whom serves four-year terms on a staggered basis.

23. The primary responsibilities of Yeadon's Borough Council include supervising Borough operations, adopting an annual budget, levying taxes, approving contracts, and enacting ordinances. In addition, Yeadon's Borough Council has the final authority to appoint officials, including as here the appointment and termination of the Borough's Chief of Police. *See* 8 Pa.C.S.A. § 1005.

24. In exercising the latter power, Yeadon's Borough Council is required to comply with all governing non-discrimination laws and policies, including but not limited to, 42 U.S.C. §§ 1981, 1983 and 1985(3). Likewise, Council is required to comply with the Fourteenth Amendment's Equal Protection and Due Process of Law provisions.

Yeadon's Mayor

25. Under Pennsylvania's Borough Code, Yeadon's Mayor is elected to a four year term and has the responsibility of overseeing and supervising the Borough's police force. 8 Pa.C.S.A. § 1123.1.

26. Yeadon's current Mayor is Rohan K. Hepkins. At all times relevant to this action, Mayor Hepkins has overseen and been responsible for plaintiff Paparo and the Police Department he headed. Mayor Hepkins' current term of office runs from 2022 to 2026.

27. Mayor Hepkins, who is African-American, has fully and consistently supported and praised plaintiff Paparo's performance, dedication, and integrity as Yeadon's Police Chief. In addition, he has knowledge that the individually-named defendants intended to fire Chief Paparo on account of his race and to replace him with a Black Chief of Police.

Chief Paparo's Accomplishments

28. During his four years as Yeadon's Chief of Police, plaintiff Paparo achieved a number of notable successes for the Borough's residents. Among them, he implemented policies and procedures that resulted in the reduction of the crime rate each year he was in office. He also developed a plethora of police-community relations programs that fostered and achieved a bond between them at a time when police-community relations elsewhere were at a low point. He also hired new full and part-time police officers and added a 10-week training program for them, achieved significant annual savings in the Police Department's budget, created a Youth Citizen Academy, a Major Crimes Response Team, a "Good Morning Yeadon" talk show, a Police Chaplain program and, in May 2021, he and others broke ground on a first in the Nation police-

community garden project where the police and Yeadon residents could interact in a friendly communal setting.

29. Not content with staying in his office at Borough Hall, Chief Paparo was also seen and known for making house and business calls throughout the Yeadon community as a visible sign that he and the Police Department were always there for them.

Things Begin to Change

30. In the May 2021 primary election, three new Democratic candidates emerged as virtually certain to become members of Yeadon's Borough Council. They were defendants Sharon Council-Harris, Learin Johnson and Carlette Brooks.¹

31. Since the Borough of Yeadon, with about 11,500 residents, is and has been a Democratic stronghold, these three easily prevailed as new Members of Borough Council in the general election held in November 2021.

32. To ensure they had a majority lock on key issues that would come before Borough Council, including the appointment of a Police Chief, these three defendants enlisted the support and were joined as a bloc of four on those issues by incumbent Council Member Tomeka Jones-Waters.

¹ Also on the ballot was Nicole Beaty. She too was successful in both the May and November 2021 primary and general elections. Her term of office as a Member of the Borough Council runs from 2022 to 2026. She is not and has not been aligned with the four defendants who voted to terminate Chief Paparo's employment. *See* ¶ 8, *supra*.

33. The formal reorganization of the new Yeadon Borough Council and their swearing into office took place on January 3, 2022.

34. Before they were sworn in, the four individual defendants had already decided that because Yeadon was “a Black town,” they would terminate the employment of Chief Paparo and replace him with a Black Chief of Police.

35. Indeed, well before January 3, 2022, defendant Learin Johnson, after winning the May 2021 primary and November 2021 general election, openly informed Mayor Rohan Hepkins, who was in charge of the Police Department, as well as incumbent Council Member Liana Roadcloud and Borough Finance Director and Treasurer, Nafis Nichols, that, once sworn in, she intended to fire Chief Paparo and replace him with a Black Chief of Police.

Sunday, January 2, 2022

36. In the morning of January 2, 2022, incumbent Council Member Liana Roadcloud and Council Member Elect Nicole Beaty met with Council-Elect Members Learin Johnson and Carlette Brooks at the Springfield Diner to discuss leadership roles in Yeadon Borough.

37. During their discussion, defendant Learin Johnson again stated her intention to replace Chief Paparo with a Black Chief of Police.

38. Council Member Liana Roadcloud and Council Member Elect Nicole Beaty made it clear that doing so was racist and unlawful.

39. Immediately following that meeting, the four of them met with defendants Sharon Council-Harris and Tomeka Jones-Waters at the Illusions Sports Bar in Clifton Heights, Pennsylvania.

40. Illusions Sports Bar is owned by defendant Carlette Brooks and her husband.

41. At that meeting, defendants Council-Harris, Jones-Waters, Johnson and Brooks discussed their plan to terminate the employment of Chief Paparo and replace him with a Black Chief of Police.

42. For her part, defendant Jones-Waters informed the group that she knew and would contact a Black Philadelphia police officer, Jonathan Josey, to see if he would accept the job.

43. Again, Council Member Roadcloud and Council Member Elect Beaty voiced their objections to the planned termination of Chief Paparo since doing so was racist and unlawful.

Monday, January 3, 2022

44. At approximately 9:15 a.m. on January 3, 2022, defendant Learin Johnson called and spoke with Yeadon Police Detective Ferdie Ingram.

45. Detective Ingram is African-American. He is not and was not the next in command to Chief Paparo. Lieutenant Shawn Burns, who is White, was next in line to the Chief.

46. Defendant Learin Johnson called Detective Ingram at the Borough's main telephone number, 610-623-1500. She first spoke with a secretary, identified herself, and then was transferred to him.

47. In her call, defendant Johnson told Detective Ingram that the new Borough Council, once it was sworn in later that day, intended to fire Chief Paparo and offered him the position and a contract whose length was his to propose if he accepted the offer.

48. Detective Ingram declined the offer. He informed defendant Learin Johnson that the department already had a Chief and he fully intended to support Chief Paparo in response to Council's effort to fire him.

49. Immediately following that call, Detective Ingram informed his superior, Lieutenant Shawn Burns, of his conversation with defendant Learin Johnson. He then also reported it to Chief Paparo.

50. For his part, Lieutenant Burns prepared a memo which he sent to Chief Paparo describing his conversation that morning with Detective Ingram. A true and correct copy of that memo is attached hereto and marked Exhibit A

51. Also in the morning of January 3, 2022, before her call with Detective Ingram, defendant Johnson informed Mayor Hepkins that, once sworn in, the new, reorganized Borough Council intended to fire Chief Paparo and replace him with a Black Chief of Police. Specifically, she mentioned Detective Ingram by name as his replacement.

52. Mayor Hepkins made it crystal clear to defendant Johnson that not only was Chief Paparo the ideal person to continue leading the Police Department, firing him for racial reasons was unlawful.

53. Mayor Hepkins later learned from Chief Paparo about defendant Johnson's January 3, 2022 telephone call with and offer to Detective Ingram.

54. As a result and as the person by law in charge of the Police Department, 8 Pa.C.S.A. § 1123.1, Mayor Hepkins met with Detective Ingram on January 6, 2022 and confirmed from him the substance of defendant Johnson's offer to make him Yeadon's Chief of Police.

55. Following that meeting with Detective Ingram, Mayor Hepkins prepared and forwarded to the Fraternal Order of Police's representative, Sergeant Thomas Reynolds, a Special Report documenting his meeting with Detective Ingram. A true and correct copy of that report is attached hereto and marked Exhibit B.

56. In the late afternoon and early evening of January 3, 2022, the newly organized Borough Council was sworn into office. As a result of a vote taken in Executive Session, defendant Council-Harris became the Council's President, defendant Johnson became its Vice President and defendant Jones-Waters became its President Pro Tempore.

The New Council's Efforts to Oust Chief Paparo Take Shape

57. The new majority of Borough Council intended to relieve Chief Paparo of his duties after they were sworn into office in the evening of January 3, 2022.

58. But rumors of the Chief's possible ouster had been circulating for some time among the Borough's residents and the members of the Police Department that temporarily forestalled their plans.

59. Consequently, that evening, after emerging from an Executive Session, the new Council returned for a public session. In the lobby on their way in, they were greeted by a dozen or so Yeadon police officers who were there in uniform in support of the Chief. Also present were a number of Yeadon residents who spoke out in the Chief's favor.

60. As a result, Borough Council did not bring up a vote that evening to terminate the Chief's employment.

61. Nonetheless, new Council Members Johnson and Brooks were critical of Chief Paparo and threatened to have him disciplined for having notified his officers and others to appear in his support before Borough Council.

62. There was no basis for that criticism or threat. Chief Paparo did not ask anyone to appear before Borough Council on his behalf. Those who did so appeared there on their own accord and volition.

63. Nor were they alone in their support of the Chief.

64. Over the course of January and into February 2022, more than a thousand Yeadon residents signed a petition to keep him on the job. The signers pointed to Chief Paparo's stellar law enforcement record and his dedication to the Yeadon community, and they voiced their opposition to his being targeted by Council because of the color of his skin.

**The New Council Majority Gives Chief Paparo
a Hobson's Choice: Either Quit or Be Fired.**

65. On Saturday, February 5, 2022, five members of Borough Council attended a conference in Swarthmore held by the Pennsylvania State Association of Boroughs ("PSAB"). Those present included Borough President Council-Harris, Vice President Johnson, President Pro Tempore Jones-Waters and Council Members Brooks and Beaty.

66. When they met separately during the PSAB conference, defendant President Council-Harris told Council Member Elect Nicole Beaty that Council had decided to offer Chief Paparo three months salary if he resigned, and if he declined, Council would fire him.

67. This decision surprised Council Member Elect Beaty. No vote of Council had been proposed or taken to support that "offer," nor had Council Members Roadcloud, Monroe or Council Member Elect Beaty been notified of it.

68. Despite not having been proposed, much less voted on by Council, on February 7, 2022 defendant Council-Harris met with Chief Paparo, Mayor Hepkins and Borough Manager Isaac Dotson and offered the Chief two choices: either resign with three months salary or be fired. She falsely added that she had polled the Council and they were all in favor of the offer.

69. The Chief declined the offer to resign, to which defendant Council-Harris called him "insubordinate."

70. This, then, set in motion the new Council majority's premeditated decision to fire the Chief Paparo.

The Pretext of the FOP's Overtime Grievance

71. Aware they had no lawful or valid basis to terminate Chief Paparo's employment, the four named defendants devised a pretext, a ruse, to justify their decision.

72. They did so by relying on a grievance that the FOP had filed in 2019 and again in 2020 regarding overtime hours that the union claimed should have been given to full-time rather than part-time police officers.

73. There was no basis for their consideration of that grievance or its outcome.

74. For one thing, all the at-issue hours were approved by Mayor Hepkins as necessary to keep Yeadon's residents safe during the civil unrest following George Floyd's murder and the toll that the COVID-19 pandemic was having on the Yeadon community and its adjacent towns and boroughs.

75. Moreover, several full-time police officers were out of work in that timeframe due to on-duty injuries and other disabilities.

76. Other full-time officers, already overworked, declined overtime.

77. This led Chief Paparo, with the Mayor's approval, to hire additional part-time Police Officers who had to undergo a rigorous 10-week training period before they could be placed on assignment with the Borough's full-time officers.

78. In the end, the decision to hire these part-time officers had a positive effect: crime was reduced, community relations were improved and residents remained safe in their homes and places of business.

79. Without Chief Paparo's knowledge and without any evidence presented to a labor Arbitrator for decision, in August 2021 the FOP and the Borough, acting through their respective counsel, agreed to a Consent Award under which the Borough agreed to pay 16 full-time officers the sum of \$387,000.00 in consideration of the FOP's grievance.

80. No one ever provided Chief Paparo with a copy of that Consent Award until February 17, 2022, the day he was fired.

81. Moreover, the Members of Borough Council in office in August 2021 not only did not take, nor did they even contemplate taking, *any* discipline against Chief Paparo as a result of the Consent Award. Indeed, paragraph 8 of the Award states:

This Consent Award does not constitute an admission of any wrongdoing on the part of the Borough or any of its officers, agents, employees and/or representatives.

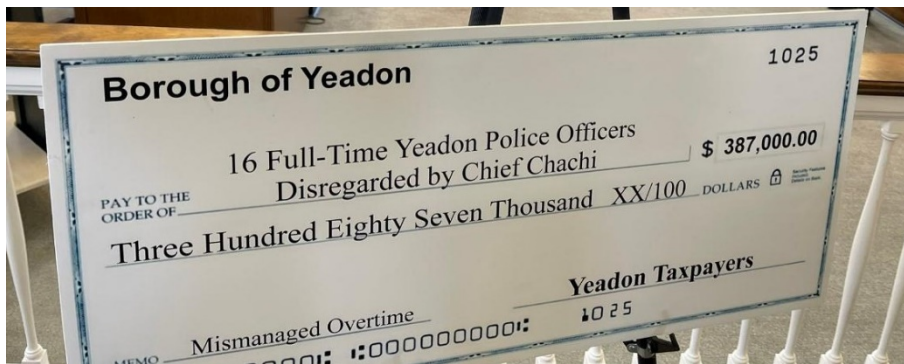
82. Not having taken any action against Chief Paparo by the Council in office in August 2021 is clear evidence that the Council that took office in January 2022, acting through its new four member majority, used the FOP's grievance and Consent Award as a pretext to justify their decision to fire Chief Paparo in February 2022 because he was White.

The February 10, 2022 Session of Borough Council

83. In the evening of February 10, 2022 Borough Council held a public session at which the four individual defendants intended to fire Chief Paparo.

84. To support their decision Council President Council-Harris and President Pro Tempore Jones-Waters placed two posters on easel stands that directly faced the more than 100 Yeadon residents who attended the session in support of Chief Paparo.

85. One poster, clear for all to see, was specially prepared by Council President Council-Harris, with the approval of the other three individual defendants, to make it appear that Chief Paparo was a thief. It deliberately and falsely portrayed a made-up check in the amount of \$387,000.00 payable to “16 Full-Time Yeadon Police Officers Disregarded by Chief Chachi.” In the memo section, the “check” states it was for “Mismanaged Overtime.” The payors were listed as the “Yeadon Taxpayers.” In full, the poster, as presented to the roomful of residents and assembled media members, is reproduced below:



86. The other poster, also specially prepared at the direction of defendant Council-Harris, portrayed an out-of-context and incomplete portion of an article that appeared in the February 8, 2022 issue of *The Philadelphia Inquirer*. The poster, as positioned in front of the residents and members of the media, is reproduced below:

Chief Paparo Was “Repeatedly Warned,”

The Philadelphia Inquirer

Michael Neilon, a spokesperson for the FOP's Lodge 27 in Delaware County, said the Union repeatedly warned Paparo that he was at risk of violating the contract, but he did not make any adjustments.

... Continuing to balance the sheet with part-timers is unacceptable to the union and unfair to the rank-and-file officers who may want to work the extra shifts and get overtime.”

The Philadelphia Inquirer
February 8, 2022

87. Defendant Council-Harris, with the knowledge and consent of Defendants Johnson, Jones-Waters and Brooks, deliberately altered the caption of *The Philadelphia Inquirer* article to serve her and their own personal nefarious purposes. The actual caption as published in the *Inquirer* reads as follow: “A Delaware County Police Chief Might be Fired. His Supporters Say it’s Because he’s White.”

88. The altered, incomplete article put on display for public consumption by the four individual defendants, instead reads: “Chief Paparo Was ‘Repeatedly Warned’ ”. A true and correct copy of the full article as actually published in *The Philadelphia Inquirer* is attached hereto and marked Exhibit C. Notable among the many omissions that the defendants failed to include in their poster is the following sentence in paragraph two of the actual article: “Council President Sharon Council Harris said in an interview Tuesday that . . .she’s confident she has the support of a majority of the seven-member council in a move to oust the chief.”

89. Because the four individual defendants were not only racially-biased against Chief Paparo and had already made up their minds to terminate his employment,

his lawyer moved to disqualify all four of them from voting on the Chief's fate or taking part in that decision.

90. In addition and for a separate reason, Chief Paparo's lawyer moved to disqualify defendant Council Member Carlette Brooks because, as the business owners of Carlette's Hideaway, she and her husband had voiced complaints to the Chief and the Mayor about the Police Department's ticketing of unlawfully parked cars at the Hideaway and other law enforcement actions it took in response to residents' complaints about unruly patrons. Neither the Chief nor Mayor Hepkins would curtail proper policing practices to abate defendant Brooks's complaints, a position that annoyed and upset her and her husband.

91. Rather than taking a vote on these disqualification motions, Borough Council went into Executive Session. When the Members returned, Council adjourned with the statement from President Council-Harris that another session would be scheduled in order to provide Chief Paparo with "a due process hearing" to consider whether or not he should be fired.

The February 17, 2022 Session of Borough Council

92. The re-scheduled session of Borough Council took place in the evening of February 17, 2022.

93. However, even before then, Council President Council-Harris publicly stated that she had the support of a majority of Borough Council Members to oust Chief Paparo. *See* Exh. C at ¶ 2.

94. And so it came to pass, albeit without any due process at all.

95. By vote of 4-3, with each of the individual defendants in the majority, Borough Council voted to terminate the employment of Chief Paparo and replace him on an interim basis with Lieutenant Shawn Burns.

96. In doing so, not a single witness testified against Chief Paparo. Not a single document was introduced to support the majority's decision. Indeed, not a single question was put to Chief Paparo in response to his lengthy, detailed account of his accomplishments, his dedication to the town of Yeadon, and the reasons why he, with the Mayor's approval, hired part-time officers to help keep Yeadon safe during periods of significant staff shortages and during the civil unrest that followed George Floyd's murder and the COVID-19 epidemic that roiled Yeadon and its adjacent communities.

97. Of equal significance were the motions again made by Chief Paparo's lawyer to disqualify the four individual defendants from voting on grounds of their clear bias and partiality. Despite all the evidence demonstrating they could not be impartial and could not and would not provide the Chief with the name-clearing due process hearing to which he was entitled, President Council-Harris refused to even bring the motions up for vote, much less did she or the three other individual defendants even make an effort to dispute the evidence of bias and partiality made against them.

98. Nor did the defendants question or dispute any of the many Yeadon residents who appeared at the February 17, 2022 session in unanimous support of Chief Paparo and his many accomplishments in and for the Borough. It was as if they were

speaking to automatons incapable or unwilling to respond to their pleas and the praise they heaped on Chief Paparo.

Damages

99. As a direct and proximate result of the defendants' decision to terminate plaintiff Paparo's employment as Yeadon's Chief of Police, he has suffered and will continue to suffer a loss of wages, benefits and pension credits to which he otherwise would be entitled.

100. In addition to the loss of his job and the wages he would have earned as Yeadon's Chief of Police, plaintiff Paparo has suffered irreparable harm to his unblemished reputation for honesty and integrity, reputation built over the 37 years he has served as a law enforcement officer. That reputation, so consistently built and reinforced was taken away in the flash of a 4-3 vote based on the false premise, lacking in any due process, that he was guilty of money mismanagement and wage theft, a scar from which he cannot recover.

101. Nor are these the only injuries to which plaintiff Paparo has been subjected. In addition, the defendants' cries for his termination and their unjustified decision to end his career as Yeadon's Chief of Police have caused him significant physical pain and suffering. This includes, but is not limited to, sleeplessness, headaches, chest pains, irritability, depression, anxiety and the loss of enjoyment of life's pleasures.

102. The actions taken against plaintiff Paparo by the four individual defendants were taken intentionally, willfully and/or in reckless or callous disregard of his right to

equal employment opportunity and his right to an impartial, unbiased name-clearing hearing.

103. For these violations of his rights, plaintiff Paparo is entitled to recover punitive damages against each of the individual defendants in their personal capacities. *Smith v. Wade*, 461 U.S. 30, 56 (1983).

PLAINTIFF'S CLAIMS FOR RELIEF

COUNT I

VIOLATION OF PLAINTIFF PAPARO'S RIGHT TO EQUAL EMPLOYMENT OPPORTUNITY UNDER 42 U.S.C. § 1981 AND 42 U.S.C. § 1983

PLAINTIFF PAPARO v. BOROUGH OF YEADON

104. Plaintiff Paparo repeats and incorporates by reference the averments of paragraphs 1 through 103 of his Complaint.

105. Acting by and through its Borough Council, defendant Borough of Yeadon terminated plaintiff Paparo's employment as Chief of Police on account of his race, White, in violation of his right to equal employment opportunity as protected by 42 U.S.C. § 1981, as amended in 1991 by 42 U.S.C. § 1981(a), and as made actionable against the Borough by 42 U.S.C. § 1983.

106. By virtue of its 4-3 vote to fire plaintiff Paparo, the Yeadon Borough Council was acting at all times under color of state law and as the sole and final authority to take that action on behalf of the defendant Borough against plaintiff Paparo.

107. The decision of defendant Borough of Yeadon to terminate plaintiff Paparo's employment on account of his race was not taken obliquely or subtly; it was,

rather, taken intentionally, wantonly and with reckless and callous disregard of his right to equal employment opportunity.

108. As a local governmental municipality, the Borough has no immunity from suit in a case such as this. *Owen v. City of Independence*, 445 U.S. 622, 651 (1980).

109. Indeed, as the Supreme Court emphasized 52 years ago:

. . . denials of equal treatment, and particularly denials on account of race or color, are singularly grave when the government has or shares responsibility for them. Government is the social organ to which all in our society look for the promotion of liberty, justice, fair and equal treatment, and the setting of worthy norms and goals for social conduct. Therefore something is uniquely amiss in a society where the government, the authoritative oracle of community values, involves itself in racial discrimination.

Adickes v. Kress & Co., 398 U.S. 144, 191 (1970) (Brennan, J. concurring in part and dissenting in part) (emphasis added). *Accord Owen*, 445 U.S. at 651: “A damages remedy against the offending party . . . is only accentuated when the wrongdoer is the institution that has been established to protect the very rights it has transgressed.”

COUNT II

**VIOLATION OF PLAINTIFF PAPARO'S RIGHT TO EQUAL EMPLOYMENT
OPPORTUNITY UNDER 42 U.S.C. § 1981 AND 42 U.S.C. § 1983**

**PLAINTIFF PAPARO v. DEFENDANTS SHARON
COUNCIL-HARRIS, LEARIN JOHNSON, TOMEKA
JONES-WATERS AND CARLETTE BROOKS IN
THEIR INDIVIDUAL CAPACITIES**

110. Plaintiff Paparo repeats and incorporates by reference the averments of paragraphs 1 through 109 of his Complaint.

111. Acting under color of state law and as the final decisionmakers for the Borough of Yeadon, each of the individually-named defendants was responsible for the decision to terminate the employment of plaintiff Paparo.

112. In doing so, each of these four defendants violated plaintiff Paparo's right to equal employment opportunity as protected by 42 U.S.C. § 1981(a) and as made actionable against them by 42 U.S.C. § 1983.

113. By firing plaintiff Paparo, each of these defendants acted out of a personal racial animus against him and did so intentionally, wantonly, and with reckless and callous disregard of his right to equal employment opportunity as protected by federal law, *i.e.*, 42 U.S.C. § 1981 and § 1981 (a).

114. As a result of their actions, each of these four defendants is liable to plaintiff Paparo in her individual capacity for both compensatory and punitive damages.

COUNT III

**VIOLATION OF PLAINTIFF PAPARO'S
RIGHTS UNDER 42 U.S.C. § 1985(3)**

**PLAINTIFF PAPARO v. DEFENDANTS SHARON
COUNCIL-HARRIS, LEARIN JOHNSON, TOMIKA
JONES-WATERS AND CARLETTE BROOKS IN
THEIR INDIVIDUAL CAPACITIES**

115. Plaintiff Paparo repeats and incorporates by reference the averments of paragraphs 1 through 114 of his Complaint.

116. Enacted as part of the 1871 Civil Rights Act, 42 U.S.C. § 1985(3) prohibits conspiracies to deprive a “person or class of persons of the equal protection of the laws”

117. Here, each of the individual defendants agreed and conspired with one another to terminate plaintiff Paparo’s employment as Chief of Police of Yeadon Borough on account of his race, White, and in order to hire a Black Chief to replace him.

118. Acting out of that racial animus, each of the individual defendants deprived plaintiff Paparo of the equal protection of the laws by their vote on February 17, 2022 to terminate his employment as the Chief of Police of defendant Borough of Yeadon.

119. As a direct and proximate result of their conspiracy to violate his rights under 42 U.S.C. § 1985(3), plaintiff Paparo has been irreparably injured by his loss of employment, the harm done to his reputation, and the pain and suffering he has been forced to endure.

120. Each of the individual defendants is liable in her individual capacity for all the injuries that plaintiff Paparo has suffered and for the compensatory and punitive damages that may be awarded against them.

COUNT IV

**VIOLATION OF PLAINTIFF PAPARO'S
RIGHT TO A FAIR AND
IMPARTIAL DUE PROCESS HEARING**

PLAINTIFF PAPARO v. ALL DEFENDANTS

121. Plaintiff Paparo repeats and incorporates by reference the averments of paragraphs 1 through 120 of his Complaint.

122. As the Supreme Court ruled many years ago, “[w]here a person’s good name, reputation, honor, or integrity is at stake because of what the government is doing to him, notice and an opportunity to be heard are essential.” *Wisconsin v. Constantineau*, 400 U.S. 433, 437 (1971).

123. When the government terminates an employee under those circumstances, it deprives him of the “liberty” interest that is protected against invasion by the Fourteenth Amendment’s Due Process Clause. *Bd. of Regents v. Roth*, 408 U.S. 564, 573 (1972).

124. Accordingly, this gives rise to what is referred to as a “stigma plus” claim which, as to municipalities and those acting under color of state law, must result in a fair, impartial, non-biased name clearing hearing for the victim. *Paul v. Davis*, 424 U.S. 693, 701 (1976).

125. Here, defendant Borough of Yeadon and each of the individually-named defendants not only failed to provide plaintiff Paparo with a fair, impartial, non-biased name clearing hearing, they emasculated his right to one in what can only be described as a star chamber proceeding in which they acted as prosecutor, judge and jury all at once.

126. The commingling of those functions, combined with the individually-named defendants' prejudgment of the case, their bias, their use of phony props and false accusations of money mismanagement and wage theft to malign and defame plaintiff Paparo, and their refusal to rule upon his twice-made motions to disqualify all four individually-named defendants, renders null, void and unconstitutional the "hearing" held on February 17, 2022 at which they fired him.

127. Having violated his due process rights, defendant Borough of Yeadon and the four individually-named defendants are liable to plaintiff Paparo for all the equitable and legal remedies to which he is entitled under the Fourteenth Amendment.

128. Each of the four individual defendants acted under color of state law and as the final decisionmakers for the Borough of Yeadon when, on February 17, 2022, they fired plaintiff Paparo.

129. They did so in violation of his right to a fair, impartial hearing as guaranteed to him by the Due Process Clause of the Fourteenth Amendment.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Anthony Paparo respectfully requests the Court to enter judgment against the Defendants, jointly and severally, and to include in it the following relief:

- a. An award of back pay;
- b. Reinstatement as Yeadon's Chief of Police;
- c. An award of front pay if reinstatement is not feasible;
- d. An award of compensatory damages against Defendant Borough of Yeadon;
- e. An award of compensatory damages in their personal capacities against each of the four individually-named Defendants;
- f. An award of punitive damages in their personal capacities against each of the four individually-named Defendants;
- g. An award of reasonable counsel fees and costs;
- h. Such other legal and equitable relief that may be just and proper under the circumstances.

JURY DEMAND

Plaintiff Anthony Paparo demands a trial by jury on all the legal claims asserted in his Complaint.

RAYNES & LAWN

By: 

Harold I. Goodman, Esquire
Daniel Bencivenga, Esquire
Noah J. Goodman, Esquire
1845 Walnut Street, 20th Floor
Philadelphia, PA 19103
215-568-6190

Counsel for Plaintiff Anthony Paparo

Dated: March 7, 2022

Exhibit A

Exhibit A

Yeadon Borough Police Department
Patrol Division

Memorandum

TO: Chief Anthony Paparo #4601 Date: 01/04/2022

FROM: Lt. Shawn Burns #4602

RE: Conversation with Det. Ferdie Ingram #4652

Chief,

On Monday 01/03/2022 at approx. 0915 hours Det. Ingram came to my office requesting to speak with me about a phone call which he had received from an incoming council member. Det. Ingram informed me that Learin Johnson had called him and asked if he would be interested in the position of Chief of Police with the department. Det. Ingram informed me he told Ms. Johnson that the department already had a Chief and that he had planned on going to the council meeting tonight in support of you. Det. Ingram informed me that Ms. Johnson told him they were terminating your contract and would offer him whatever he wanted in terms of length of contract. Det. Ingram told Ms. Johnson that he had never thought of taking over the position and would not be able to give her an answer during their phone call.

Det. Ingram informed me that he wanted to make you aware of this phone call as he did not want it to appear he was attempting to take your position. Det. Ingram requested I accompany him to your office when he spoke with you. This meeting was delayed due to other duties and meetings however took place at approx. 1100 hours where he informed you of the above.


Signature of Officer/Investigator

Exhibit B

Exhibit B



Mayor's Special Report

Thursday, January 6, 2022

Re: Incident Between Councilor-to-be Learin Johnson and Detective Ferdie Ingram

Dear Sgt. Reynolds,

As the FOP Section Officer for the Yeadon Police Department, I am writing to document an interview that I had with Det. Ferdie Ingram on Thursday, January 6, 2022.

Around 11:00 am this morning, I asked to speak to Detective Ingram in my borough office about an unusual and unprecedented incident that allegedly occurred between him and incoming Councilor Learin Johnson.

I asked him if Councilor Johnson had recently reached out to him as I had been informed prior. He acknowledged that she had. I asked him when and how that had occurred. He stated it was this past Monday (January 3, 2022) at 9:17 am. I asked if it was via his personal cell or through the borough phone. He stated that the contact was via the borough phone (610-623-1500); that she had called and asked the secretary to be connected to him.

He then said she asked him that if the Chief of Police job ever became available, would he be interested? He said he informed her that we already have a police chief. According to Det. Ingram, she was undeterred and kept pressing him. He then responded to her again in like manner.

I then informed him that I believe he should write a police report, but that I would not mandate such a report, due to the sensitive nature of the situation. I did inform Det. Ingram that this is an unnecessary intrusion into the police department affairs, as she was not even sworn in on Council at that time, neither is this her job, and that she had just created a volatile situation in the police department as it unwittingly pits the relationship of he and the chief of police at odds. He did state that he immediately let Lt. Burns be aware, and then Chief Paparo himself - as soon as he got into the office that same morning.

Page 2

He stated that he was reluctant to write a police report as he did not want to get involved in the incident. I informed him that he is already involved in that a complaint has been filed and he would probably have to testify at some point in the future.

I did say that even if that were not the case, a report would protect both he and the department, as one doesn't know what she would say, as she had texted me on my cell phone - out of the blue (the previous day) denying that she had spoken to any police officers. So God only knows what she would say actually occurred between he and her. I did not respond to her text.

Nevertheless, in light of the foregoing, I advised Det. Ingram that it would be prudent, and in his best interest to document the conversation and approach, so as to protect himself, if not the department. But I steadfastly underscored the fact that I am not forcing him to do so; that this is of his own free will, I just wanted an opportunity to try to reach him to see if he understood the circumstances he was being placed in by this inappropriate interloping action by then Councilor-to-be Learin Johnson.

Det. Ingram then stated he would think about it and get back to me with his answer within 24 hours. I then thanked him for his time and for listening.

I wanted to document this incident, while apprising his union of this unprecedented act that jeopardizes the morale, inner-working chain of command, and independence of the Yeadon Police Department.

Sincerely,

Rohan K. Hepkins, Mayor
Borough of Yeadon

Exhibit C

Exhibit C

2/9/22, 10:11 AM

Yeadon Police Chief Anthony Paparo's potential firing sparks racial concerns

A Delaware County police chief might be fired. His supporters say it's because he's white

[I inquirer.com/news/yeaddon-chief-anthony-paparo-borough-council-fight-20220208.html](https://www.inquirer.com/news/yeaddon-chief-anthony-paparo-borough-council-fight-20220208.html)



Yeadon Police Chief, Anthony Paparo believes the push to have him removed from his position is fueled by racial tensions. His critics on Yeadon's Borough Council adamantly deny that, and attribute it to their frustrations over a grievance filed against the borough by the police union. [Read more](#) JESSICA GRIFFIN / Staff Photographer

by Vinny Vella
Published
Feb 8, 2022

After weeks of controversy and a 1,000-signature petition, Yeadon's borough council is poised to vote in coming days on whether to fire Police Chief Anthony Paparo.

Council President Sharon Council-Harris said in an interview Tuesday that the vote could come as soon as this week, and she's confident she has the support of a majority of the seven-member council in a move to oust the chief.

She and other detractors say Paparo has been a poor steward of borough resources, costing the town \$387,000 to settle a union grievance that he hired too many part-time officers to supplement the force during the height of COVID-19 and civil unrest in 2020. His supporters, including hundreds of people who signed a petition to keep him on the job, say he's a stellar law enforcement official with a solid record who's being targeted because of the color of his skin.

2/9/22, 10:11 AM

Yeadon Police Chief Anthony Paparo's potential firing sparks racial concerns

The uncertainty over the chief's future has divided the town and stoked racial tensions in the 11,500-resident community that borders Southwest Philadelphia.

Advertisement

On Monday, Council-Harris offered Paparo, who's led Yeadon's 21-member police force since 2018, a chance to resign with three months' salary. He declined, setting the stage for a vote to remove him.

"I've worked hard to build a good connection with the community, and these people are literally trying to destroy me," Paparo said in an interview. "If I didn't love this community as much as I do, I'd quit from stress. But I'm not going to let this community down, and I'm very humbled by their outpouring of love and support."

Dozens of residents crowded into the borough hall Monday night to voice their support for Paparo, who goes by the nickname Chachi, during a council caucus meeting.

That sentiment echoes the online "Keep Chief Chachi" petition, which has gathered about 1,000 signers complimenting his work ethic, demeanor, and presence in the community.

The controversy began in January after Council-Harris and three colleagues took control of council after winning the November election. Councilmember Learin Johnson called one of Paparo's subordinates, who is Black, and asked if he'd be interested in taking over as chief. Paparo's supporters interpreted the move as racially motivated.

Yeadon Mayor Rohan Hepkins and Councilmember Liana Roadcloud told The Inquirer that Johnson specifically mentioned Paparo's race in conversations about the plan to oust him.

"They're wrong, dead wrong, and no one deserves to go through this, regardless of race, creed, or nationality," Roadcloud said. "That is a good man, a hardworking man, so there is no reason for this type of behavior."

Since taking over Yeadon's police department after 32 years as an officer in Upper Darby, Paparo has worked to build trust between police and residents of the predominantly Black Delaware County borough.

He holds monthly coffee meetings with residents to discuss neighborhood issues and hosts an online radio show providing regular updates about what his officers are doing. In 2020, he started a "love garden" in the borough to serve as a gathering space and screened a movie for both officers and the residents they serve about racial profiling and how to improve community relations.

Hepkins said he has been an asset to the community.

"If you could clone Anthony Paparo, he would be the prototypical chief you'd want to run your police department," Hepkins said. "Most mayors would love him, because he was able to deliver for us what every municipality wants during the pandemic. Those are the facts; they're incontrovertible."

Not everyone shares that view. Council-Harris said Paparo has trouble "staying in his lane" and has overstepped his boundaries by taking on responsibilities beyond the traditional role of a police chief. Some residents, she said, have told her the chief was unresponsive to their complaints about crime on their blocks. . And she said Paparo's refusal to resign after councilmembers made clear their displeasure with him was "the height of irresponsibility and insubordination."

As for the suggestion that race played a role in the move to replace him, she noted that Paparo was chosen as chief from a field of qualified candidates that included Black applicants.

Her main objection to keeping him, she said, involves a \$387,000 payment the borough must make to settle a grievance filed by the Fraternal Order of Police, the union representing its officers. In 2019 and 2020, Paparo hired part-time officers to supplement the force and exceeded the number of hours he was allowed to use for

2/9/22, 10:11 AM

Yeadon Police Chief Anthony Paparo's potential firing sparks racial concerns

such extra help, violating a provision in the collective bargaining agreement with the union. The FOP filed a grievance and won.

The resulting penalty, Council-Harris said, represents about a quarter of the borough's property-tax revenue, and put a strain on the town's budget. And she said it led her and others to question Paparo's management of the department.

"We have a fiduciary responsibility to manage this town, and it's not racist or biased. We have to make a selection of the best people," Council-Harris said. "Decisions have to be made out of accurate data, not conjectures based on people's personal or political preferences."

Michael Neilon, a spokesperson for the FOP's Lodge 27 in Delaware County, said the union repeatedly warned Paparo that he was at risk of violating the contract, but he did not make any adjustments.

"All we want to see is that there's a path to hire full timers and find a way to get out of this staffing crisis," Neilon said. "But continuing to balance the sheet with part-timers is unacceptable to the union and unfair to the rank-and-file officers who may want to work the extra shifts and get overtime."

Paparo defended the use of part-time officers, saying the department was short staffed in those years because of COVID-19 and had to ensure that the borough was protected during periods of civil unrest.

"At end of the day, tell me your life or your business isn't worth \$387,000," said Paparo, who noted that Yeadon suffered no damage during demonstrations in 2020, while a mile away, Upper Darby's business corridor was seriously vandalized.

"I did the right thing protecting people," he said. "You want to fire me for doing the right thing? Fire me."

Published

Feb. 8, 2022



Vinny Vella



I cover how law enforcement investigates crime in Philly's collar counties: Bucks, Chester, Delaware, and Montgomery.