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**For Immediate Release**

## PRESS RELEASE

### **Police Officer Settles Race Discrimination Case for \$1.65 million.**

*Officer Navin Sharma to Receive What May Be a Record Settlement That Includes More Than Just Money.*

September 8, 2008 ---Nationally decorated Vancouver, Washington police officer Navin Sharma settled his federal court race and retaliation case against the City of Vancouver, its City Manager and former Chief at the conclusion of a court-mandated mediation session on September 4<sup>th</sup>.

Seattle lawyer Scott Blankenship, and co-lead counsel Vancouver, Washington lawyer Greg Ferguson negotiated the \$1,650,000 settlement approximately six weeks before trial was set to begin in US District Court in Tacoma. The settlement is believed to be one of the largest reported--if not the largest--employment case settlement in Washington State history involving a single plaintiff.

In addition to the \$1,650,000, Officer Sharma's personnel file will reflect that he retired in good standing with his official law enforcement credentials reflecting his honorable years of service. The City will also replace any state employee retirement benefit contributions that were lost. Further, the City took a number of actions to restore Officer Sharma's reputation including a letter of gratitude prepared by City Manager Pat McDonnell thanking Officer Sharma for his years of outstanding service and for being a pioneer in developing the City's Tactical Emergency Medical Support (TEMS-SWAT) Unit proven to be instrumental in saving officers' and citizens' lives. Additionally, the City agreed to correct the record by notifying the state law enforcement agency, the Criminal Justice Training Commission, that no action was warranted regarding his credentials.

Seattle attorney Scott Blankenship commented, "The defendants tried to shoot down and rob Officer Sharma of his honor and credibility. Without Defendants' willingness to right these wrongs, no amount of money would have settled this case, and we would have

ended up in front of the jury. This settlement forces the City to give back what they took, something a jury could not do.”

Court documents, depositions and sworn statements filed in the case chronicle an eight year vendetta toward Sharma that began with race discrimination allegations lodged with the EEOC and set forth in a federal court lawsuit suit that ended with a settlement in 2001. Officer Sharma trusted that the harassment would end. It didn't.

Sharma lawyers presented evidence that following the 2001 settlement a City/County department manager referred to Officer Sharma as “the sand nigger who sued the City and won”. Employees reported it but nothing was done. Sharma was routinely referred to within the City Attorney's Office as “Sharmageddon”. He also received racially explicit telephone messages and profane images—including a photocopy of a middle finger “flipping the bird”—left on his car windshield. The 2006 lawsuit alleged that despite countless complaints to Police Command and City officials, no meaningful steps were taken to end the retaliation and harassment.

Officer Sharma was fired in 2006 because of alleged errors in his DUI arrest reports, inadvertent mistakes that should not have supported discipline according to Sharma's police guild representatives and an outside investigator from the Washington State Patrol who concluded that Sharma's report errors amounted to nothing more than a “training issue”. Even so, former Acting Chief, Mitch Barker, a defendant in the case, told the City's inside investigator to “keep digging”.

The City's investigator only interviewed two (2) witnesses during the eight (8) month internal affairs investigation but did not interview a single one of Sharma's supervisors who had also signed off on the reports. Similarly, court records show that none of the dozens of back-up cover officers who had also authored supplemental DUI reports were ever interviewed nor were any of Sharma's co-officers working in the traffic unit who later testified that they had made similar mistakes but received no discipline at all.

Nonetheless, the City and administrators initiated the process of revoking Officer Sharma's peace officer certification, sent letters to at least 90 community defense lawyers that implied that Sharma was a “dirty cop” under the holding in *Brady v. Maryland*, a 1963 Supreme Court decision requiring disclosure of prosecutorial dishonesty and serious misconduct.

Certain high level city officials then proceeded to unsuccessfully pressure the County Prosecutor to file felony criminal charges against Officer Sharma. The County Prosecutor testified in his deposition under oath that he declined to prosecute because the City had not conducted any form of criminal investigation in advance as required, and because it did not appear to him that any crime had been committed. Notably, Sharma had never received any form of discipline whatsoever during his entire nine (9) years of employment prior to these actions.

Through the two years of contentious litigation not a single City administrator or defense witness testified that they believe Officer Sharma had acted intentionally, had done anything to deceive or that the mistakes in his reports were anything other than just mistakes. A dozen current or former Vancouver Police Officers and City Attorney's Office employees offered sworn testimony during the case in support of Officer Sharma, and dozens more were poised to testify on his behalf in the upcoming October trial.

Greg Ferguson said, "This was the first time any City employee had the courage and fortitude to take on the City's powers that be, which, like the Great Wizard of Oz, stand behind the curtain, pulling levers and ending careers, while the bad folks go untouched. Because of that, Officer Sharma's fellow officers and others, knowing the risks, were willing to lay it on the line for him."

Sharma's lawyers presented compelling evidence contained in court files of how other Caucasian officers who had intentionally falsified reports and sworn affidavits, had intentionally lied during investigations, and committed felony perjury, criminal assault and multiple sexual assaults, extortion and theft, were treated more favorably and disciplined less aggressively than Officer Sharma, who is of East Indian race. Discovery in the case revealed that in some instances the officers were shielded from prosecution and from revocation of their peace officer certifications, and some received no discipline at all.

Documents obtained from the City's files during discovery suggest that the City's Lead Prosecutor, also Caucasian, may have hid exculpatory evidence in a criminal case that pointed to the criminal defendant's innocence. Yet, her firing appears to have been hidden from the public and she was paid approximately \$30,000 to leave employment.

The lawsuit was filed in U.S. District Ct., Western District of Washington (Tacoma) and is captioned, Officer Navin Sharma v. City of Vancouver, et. al., cause no. C06-5688BHS.

**Vancouver Press Conference** to Be Held Tuesday, September 9<sup>th</sup> at 12:00 P.M. at the Law Offices of Gregory D. Ferguson, P.C. 1104 Main Street, Ste. 216, Vancouver, WA 98660; Contact 360-906-1167.

**Seattle Press Conference** to Be Held Tuesday, September 9<sup>th</sup> at 5:00 P.M. at The Blankenship Law Firm, P.S., 29<sup>th</sup> Floor, Washington Mutual Tower, 1201 Third Ave. Seattle, WA 98101; Contact 206-343-2700.

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