

No. 18-1045

IN THE
Court of Appeals for the Ames Circuit

CARLA ESPINOSA AND BOBBY SIMONE,

Plaintiffs-Appellees/Cross-Appellants,

v.

CITY OF AMES AND COMMISSIONER ROBERT “BOB” KELSO,

Defendants-Appellants/Cross-Appellees.

On Appeal From The
United States District Court
For The District Of Ames

JOINT APPENDIX

Materials prepared by
Jason Harrow, Class of 2011

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United States Court of Appeals for the Ames Circuit

CARLA ESPINOSA and BOBBY SIMONE,
Plaintiffs-Appellees/Cross-Appellants,

v.

CITY OF AMES and POLICE
COMMISSIONER ROBERT "BOB" KELSO,
Defendants-Appellants/Cross-Appellees.

No. 18-1045

ORDER

Defendants have requested a stay pending appeal of the judgment in this case. The stay is GRANTED and the case is EXPEDITED on appeal. The parties are to brief and argue the following questions:

1. Whether the district court correctly held that summary judgment was appropriate for Plaintiffs on Count One of the Complaint.
2. Whether the district court correctly held that summary judgment was appropriate for Defendants on Count Two of the Complaint.

Defendants are designated as appellants and shall argue first. Plaintiffs are designated as appellees and shall argue second.

The Court has been informed that jurisdiction, qualified immunity, and the availability of any particular remedy will not be challenged in this appeal. Given the expedited consideration of this case, if either Party wishes to include arguments about any of these issues, it should request permission from the Court before filing any brief.

Dated: January 9, 2018

Denise Mahoney

Clerk of Court

United States District Court
District of Ames

CARLA ESPINOSA and BOBBY
SIMONE, Plaintiffs

v.

CITY OF AMES and POLICE
COMMISSIONER ROBERT “BOB”
KELSO, Defendants.

No. 16-cv-3728

OPINION AND
ORDER

Before: Itor, J.

In this case, the Court must decide whether the City of Ames has violated federal anti-discrimination laws and the Constitution by adopting and enforcing a policy that all of its police officers must speak only English, at essentially all times. The Court concludes that the policy was not adopted for the purpose of discriminating against minority, non-white officers, but nonetheless the policy has an unlawful, albeit unintentional, discriminatory impact on minority officers. Plaintiffs are thus entitled to reinstatement at their jobs and other damages, but are not entitled to all the relief they seek.

I. Background

A. Statutory and Regulatory Framework

Title VII of the Civil Rights Act of 1964 is a landmark employment law that prohibits discrimination in the workplace. The key provision of that law states that it is “an unlawful employment practice for an employer . . . to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual’s race, color, religion, sex, or national origin.” 42 U.S.C. § 2000e-2(a)(1).

The statute does not define “national origin,” but the EEOC—the expert agency in charge of enforcing employment law—does. The “Commission defines national origin discrimination broadly as including, but not limited to, the denial of equal employment opportunity because of an individual’s, or his or her ancestor’s, place of origin; or because an

individual has the physical, cultural or *linguistic characteristics* of a national origin group.” 29 CFR § 1606.1 (emphasis added).

As particularly relevant here, the EEOC has given employers additional guidance about whether so-called “English-only rules” in the workplace violate Title VII’s prohibition on discrimination on the basis of national origin, which includes discrimination on the basis of linguistic characteristics. EEOC guidance provides that:

A rule requiring employees to speak only English at all times in the workplace is a burdensome term and condition of employment. The primary language of an individual is often an essential national origin characteristic. Prohibiting employees at all times, in the workplace, from speaking their primary language or the language they speak most comfortably, disadvantages an individual’s employment opportunities on the basis of national origin. It may also create an atmosphere of inferiority, isolation and intimidation based on national origin which could result in a discriminatory working environment. Therefore, the Commission will presume that such a rule violates title VII and will closely scrutinize it.

29 CFR § 1606.7(a). The EEOC also provides that “[a]n employer may have a rule requiring that employees speak only in English at certain times where the employer can show that the rule is justified by business necessity.” *Id.* at § 1606.7(b).

With that as background, the Court turns to the facts of this case.

B. Facts

I. The parties

Plaintiffs Carla Espinosa and Bobby Simone are both bilingual former Detectives of the Ames Police Department.

Espinosa was born in Mexico and grew up speaking Spanish, and she legally immigrated to the United States when she was 11 years old. She soon learned English and graduated from high school and college in Ames. Espinosa entered the Ames Police Department in 2005, and she was promoted to Detective in 2011. In 2013, she won the Mayor’s Medal for Service for her work in determining who kidnapped three young, undocumented immigrant children in the Latino neighborhood of Central Ames. It is

undisputed that, in approximately ten years of service, she had never been disciplined before the actions that form the basis of this lawsuit. It is also undisputed that she frequently spoke Spanish in the office and while performing work in the field. She would speak Spanish both around other officers and to Ames citizens who either could not speak English or preferred to speak with her in Spanish.

Simone was born in El Salvador where Spanish was also his first language, and he legally immigrated to the United States when he was seven years old. Simone learned to speak English growing up, and he entered the APD in 1994 as a patrol officer before being promoted to Detective in 2007. Like Espinosa, Simone frequently spoke Spanish both around other officers—including Espinosa—and to Ames citizens while performing job-related duties.

Defendant City of Ames operates the agencies of local government of the City of Ames, including the Ames Police Department. Co-defendant Robert “Bob” Kelso is currently the Commissioner of the Department. He was appointed to his current position on January 13, 2015, the same day that Mayor Perry Cox took office. Prior to his appointment, he was the Commissioner of the police department in Tucson, Arizona from 2006 to 2010 and Deputy Commissioner of the New York Police Department from 2010 to 2014.

2. The adoption of the English-only policy

On August 5, 2015, approximately eight months after he took office as Police Commissioner, Commissioner Kelso announced that the APD had adopted an English-only language policy. His department-wide email said, in relevant part:

Effective immediately, all officers of the APD are required to speak English while they are on-duty for the Department, unless speaking a foreign language is a necessary component to performing their duties and responsibilities. The English-only requirement applies regardless of the nature of the officers’ job, whether they are on patrol or in an office, or whether they are taking a brief break during the workday. Speaking a language other than English is considered a

necessary job component only when: (1) officers are communicating with non-officers who do not speak English, (2) when translating or using documents, testimony, or other evidence that is in a foreign language, (3) when ordered to speak another language by a court, (4) when it is necessary to preserve the life or health of any person or animal, or (5) when otherwise approved by a supervisor.

It is important that you follow this policy closely. The APD faces many emergency situations, and it is critical that every officer feel comfortable communicating with everyone else in English in the event of a life-threatening emergency. Speaking English also furthers cooperation, fosters good will in the community, and reduces the potential for harassment of both employees and members of the public. Based on my experience with similar policies, this policy will help us achieve our goal of making Ames the safest big city in the country, and the APD the finest police force in the country.

The email notified officers that failure to follow the rule would subject officers to discipline up to and including termination.

3. Plaintiffs violate the policy and are disciplined

On September 9, 2015, the Department formally notified both Espinosa and Simone that they had repeatedly been observed speaking Spanish, in violation of the policy, and that they would be censured and suspended for one week without pay. Plaintiffs did not contest that they had been speaking Spanish while on duty in various locations, but nonetheless resisted discipline on the grounds that it was unfair. Plaintiffs' administrative appeal was denied.

Plaintiffs each returned to work on November 23, 2015, and, by their own admission, continued to speak Spanish while at work. On December 10, 2015, they were each again notified that they had violated the policy. Plaintiffs were each suspended for two weeks and demoted from Detectives to Traffic Officers.

Their demotions and suspensions were to start on February 16, 2016, but each resigned rather than accept the sanction.

C. This Case

Plaintiffs each timely filed a charge of discrimination with the EEOC on December 11, 2015. Each charge encompassed all of the allegedly unlawful adverse employment actions. They later requested a right-to-sue letter, which was issued on March 1, 2016, and then they brought the two-count complaint at issue here. Defendants do not contest this Court's jurisdiction over either count.

Discovery proceeded as usual. Both parties have now moved for summary judgment.

II. Discussion

A. Disparate Impact, In Violation Of Title VII

Plaintiffs claim that the English-only policy, which applies at essentially all times for Plaintiffs except when speaking another language is a strict necessity, is an unlawful employment practice because it has a disparate impact on those who are not native English speakers, and is thus prohibited discrimination on the basis of national origin or race.

The EEOC has essentially already decided this issue in Plaintiffs' favor. Its considered guidance, which was mentioned previously, states that such blanket policies "disadvantage[] an individual's employment opportunities on the basis of national origin" and create environments of "isolation, inferiority, and intimidation." 29 CFR § 1606.7(a). The EEOC thus presumes that these policies violate Title VII.

The Court finds it appropriate to defer to the expertise of the EEOC and thus adopts the presumption that the policy is unlawful. EEOC guidelines "constitute the administrative interpretation of [Title VII] by the enforcing agency," and "consequently they are entitled to great deference." *Albemarle Paper Co. v. Moody*, 422 U.S. 405, 431 (1975) (quotation marks omitted). Although this Court recognizes that some courts have refused to accord deference to § 1606.7, the Ames Circuit has not yet opined on the matter. Without specific guidance from a binding opinion by the Court of Appeals, this Court finds it appropriate to accord the EEOC's administrative guidance the typical substantial

deference that it deserves. *See, e.g., EEOC v. Premier Operator Servs.*, 113 F. Supp. 2d 1066, 1073–76 (N.D. Tex. 2000) (deferring to the EEOC’s guidance); *but see Garcia v. Spun Steak Co.*, 998 F.2d 1480 (9th Cir. 1993) (refusing to defer to the guidelines).

Under the EEOC’s standard, there is a strong, perhaps conclusive, presumption that a broad English-only policy like the APD’s is impermissible. But, to the extent that this Court can even consider whether the policy is justified by business necessity, the APD has not shown sufficient business necessity to justify its strict policy. To be sure, officer safety, cooperation, and prevention of harassment are valid goals in the abstract.¹ And the Court respects Commissioner Kelso’s testimony that he believes English-only policies will enhance officer safety and can, in theory, prevent harassment and cliqueish behavior. But the APD has not submitted evidence that these goals justify prohibiting officers from speaking a foreign language while on patrol, while getting a drink at the water cooler, or even while talking with non-officers—such as citizens or APD staff members—who may be bilingual but who would prefer to speak their native language. In fact, the policy is so broad that it would prohibit officers who wish to learn a foreign language from practicing with native speakers while at work, even if the officer wishes to learn the language to better serve a minority community in Ames.

Thus, the policy, and the adverse actions taken by the APD in accordance with the policy, violate Title VII’s disparate impact prohibition.

B. Disparate Treatment, In Violation Of The Fourteenth Amendment And Title VII

Plaintiffs also claim that the adoption and enforcement of the English-only policy constitute intentional discrimination in violation of the Fourteenth Amendment and Title VII. As the Ames Circuit has held, the applicable standard is the same for either provision. *Beardfacé v. Sacred Heart Hosp.*, 43 F.4th 1673, 1677 (Ames Cir. 2015) (citing *Maldonado v. City*

¹ The policy also says it furthers a fourth goal of “foster[ing] good will in the community.” The Court does not understand what this objective means or how “good will” would be served by an English-only policy.

of *Altus*, 433 F.3d 1294, 1307 (10th Cir. 2006)). “To prevail under a disparate-treatment theory, a plaintiff must show, through either direct or indirect evidence, that the discrimination complained of was intentional.” *Id.* (quoting *Maldonado*, 433 F.3d at 1307).² The question of whether Kelso and the Ames Police Department intentionally discriminated is close, but the Court finds that, as a matter of law, there is insufficient evidence for a jury to find that the policy was adopted or enforced with the intent to discriminate on the basis of national origin.³

As evidence of intentional discrimination, Plaintiffs primarily rely on two statements by then-candidate Cox that they say show that Mayor Cox wanted to implement an English-only policy precisely to discriminate against Latinos and other ethnic minorities. But that evidence is legally not probative of Defendants’ motivation. Courts may not discern motive from campaign statements by a politician on the campaign trail, because doing so will “chill campaign speech” and “will mire [courts] in a swamp of unworkable litigation” given that such statements are “often contradictory or inflammatory.” *Washington v. Trump*, 858 F.3d 1168, 1173 (9th Cir. 2017) (Kozinski, J., dissenting from the denial of reconsideration en banc).

Further, Kelso testified that he adopted the policy because he thought it would improve the professionalism of the Department and because he had seen it be successful in the past, including during his time at the NYPD. He also testified that he had not been directed by the Mayor to adopt the policy and was not influenced by any kind of animus in doing so. Plaintiffs have produced no evidence that contradicts these statements. Thus,

² Although the legal standard is the same for claims brought under Title VII as under the Constitution (via § 1983), additional remedies would be available if Plaintiffs succeeded on their constitutional claim. For instance, while damages under Title VII are capped, there would be no cap on damages recovered against Kelso under § 1983. *See* 42 U.S.C. § 1981a(b)(4). Because the Court finds that Defendants did not intentionally discriminate, this is a moot point.

³ The Parties agree that the EEOC’s guidance is relevant to whether the policy has a disparate impact but not whether it constitutes disparate treatment.

even though the policy is unlawful under the disparate impact bar given the EEOC's binding guidance, the Court finds that no reasonable jury could find that the policy was adopted with the intent to discriminate. Defendants are thus not liable under a theory of intentional discrimination/disparate treatment.⁴

III. Conclusion

For the reasons above, the Court GRANTS IN PART AND DENIES IN PART each party's motion for summary judgment. The Court DECLARES that the English-only policy violates Title VII and is invalid. It may not be enforced.

The Court also held a conference December 1, 2017, where the Parties stipulated to remedies. According to that stipulation, the Court ORDERS that each Plaintiff be reinstated to his or her prior position as Detective of the Ames Police Department as soon as practicable, and AWARDS each Plaintiff \$50,000 in total damages.

The Clerk is to prepare a separate judgment accordingly.

SO ORDERED.

Dated: December 4, 2017

Jan Itor
District Judge

⁴ Because Kelso is not liable under § 1983, he would of course also be entitled to qualified immunity.

United States District Court
District of Ames

CARLA ESPINOSA and BOBBY
SIMONE, Plaintiffs

v.

CITY OF AMES and POLICE
COMMISSIONER ROBERT “BOB”
KELSO, Defendants.

No. 16-cv-3728

JUDGMENT

Before: Itor, J.

For the reasons stated in the Court’s accompanying opinion and order, the Court GRANTS IN PART AND DENIES IN PART each party’s motion for summary judgment. The Court DECLARES that the English-only policy violates Title VII and is invalid. It may not be enforced.

The Court also ORDERS that each Plaintiff be reinstated to his or her prior position as Detective of the Ames Police Department as soon as practicable, and AWARDS each Plaintiff \$50,000 in total damages.

This represents the final judgment in this case.

Dated: December 4, 2017

Jordan Sullivan
Clerk of Court

In the U.S. District Court for the
District of Ames

CARLA ESPINOSA and BOBBY
SIMONE, Plaintiffs

NOTICE OF APPEAL

v.

No. 16-cv-3728

CITY OF AMES, and POLICE
COMMISSIONER ROBERT "BOB"
KELSO, Defendants.

Notice is hereby given that Plaintiffs Carla Espinosa and Bobby Simone, by and through their attorney Ted Buckland, Esq., appeal any and all adverse aspects of the order and opinion in this case, and accompanying judgment, both dated December 4, 2017.

Dated: December 18, 2017

Respectfully submitted,

Ted Buckland

Ted Buckland, Esq.
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12 Lloyd Street
Ames City, Ames 02100
Attorneys for Plaintiffs

In the U.S. District Court for the
District of Ames

CARLA ESPINOSA and BOBBY
SIMONE, Plaintiffs

NOTICE OF APPEAL

v.

No. 16-cv-3728

CITY OF AMES, and POLICE
COMMISSIONER ROBERT "BOB"
KELSO, Defendants.

Defendants City of Ames and Commissioner Robert Kelso hereby give notice that they appeal any and all adverse aspects of the order and opinion in this case, and accompanying judgment, both dated December 4, 2017.

Dated: December 18, 2017

Respectfully submitted,

Jill Tracy

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Attorneys for Defendants

In the U.S. District Court for the
District of Ames

CARLA ESPINOSA and BOBBY
SIMONE, Plaintiffs

v.

CITY OF AMES, and POLICE
COMMISSIONER ROBERT "BOB"
KELSO, Defendants.

RECEIVED March 15, 2016
Docket No. 16-cv-3728

Complaint

No. 16-_____

Plaintiffs Carla Espinosa and Bobby Simone, by and through their attorney Ted Buckland, Esq., alleges as follows:

Parties and Jurisdiction

1. Plaintiff Carla Espinosa is a resident of Ames City and was a Detective for the Ames Police Department until she was unlawfully demoted and forced to resign on February 16, 2016.

2. Plaintiff Bobby Simone is a resident of Ames Hills and was also a Detective for the Ames Police Department until he too was unlawfully demoted and forced to resign on February 16, 2016.

3. Defendant City of Ames is a municipal corporation that is responsible for the polices, practices, and customs of the Ames Police Department, its Police Disciplinary Review Board, its Police Board, and its city-wide policies. Co-defendant Robert "Bob" Kelso is the Commissioner of the Ames Police Department. He is sued in his official and individual capacities.

4. Jurisdiction is proper pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-16, 42 U.S.C. § 1983, and the Constitution of the United

States. Further, Plaintiffs exhausted their administrative remedies under Title VII by filing a charge of discrimination with the EEOC and requesting, and being issued, a right-to-sue letter dated March 1, 2016.

Plaintiffs' Background

5. Plaintiff Carla Espinosa was born in Mexico and legally immigrated to the United States when she was 11-years-old. Although Spanish was her first language and she spoke no English when she arrived, she quickly became bilingual and graduated in the top 30% of her high school class at Stuntz High in Central Ames. She went to Ames State where she studied criminology because she hoped to one day become a police officer.

6. After she graduated from college, Espinosa successfully passed through the Police Academy, where she was the highest-rated female in her class, and she entered service on the Ames Police Department ("APD") in 2005. After six years on traffic and a neighborhood patrol, she was promoted to Detective in 2011. In 2013, she won the Mayor's Medal for Service for her work in determining who kidnapped three young, undocumented immigrant children in the Latino neighborhood of Central Ames. In approximately ten years of service, she was never disciplined before the events that form the basis of this Complaint.

7. Plaintiff Bobby Simone was born in El Salvador and legally immigrated to the United States when he was seven years old. Spanish was also his first language, though he too is now bilingual in Spanish and English. Simone went to the Police Academy straight from high school and entered the APD in 1994 as a patrol officer.

8. In 2007, Simone was promoted to Detective, where he specializes in solving major crimes. He, too, has been commended for his service by his colleagues and supervisors.

Mayor Cox Pushes For A Discriminatory English-Only Policy

9. For many years, there were no rules or regulations regarding the language spoken among members of the APD. Many immigrant officers often spoke their native languages when other officers could also communicate in that language, and officers also spoke various languages with Ames citizens as necessary. For instance, many residents of Central Ames prefer to speak Spanish. The most common languages spoken by APD officers were English and Spanish.

10. In 2014, during his controversial campaign for mayor, then-doctor and now-Mayor Perry Cox ran a racist and discriminatory campaign in which he repeatedly expressed animus against Ames residents who were not white, not born in America, or who spoke Spanish as their native language.

11. For instance, among other insults, Mayor Cox said at a campaign event that “Latinos, if they come here, they need to learn English or they need to go back to Mexico or Havana or wherever they came from. If they’re not smart enough to learn our language, they’re not smart enough to live here, work here, or get any government benefits here.”

12. He also made comments showing his intent to discriminate against APD officers based on their country of origin. At a campaign fundraiser at a local church, he said: “Do you know why crime is rising? It’s because Ames’ finest

aren't the best and the brightest any more. The last twenty years, they have no rules, no regulations, no standards in the APD: you can wear whatever you want, don't have to cut your hair, don't have to look nice, don't even have to speak English on the job! Let me tell you, when I get into office, that changes. We are gonna clean house, and only the best and brightest will be left standing, just like it should be. That's how Ames will be reborn. The APD will be reborn, and the whole city with it. A return to glory, like Ames was when I was growing up."¹

Commissioner Kelso Implements A Discriminatory English-Only Policy

13. Commissioner Kelso was appointed Police Commissioner on January 13, 2015, the day that Mayor Cox took office. He immediately announced that he would be conducting a thorough review of APD policies and would implement new rules and regulations in the coming months.

14. After several months of review, Commissioner Kelso issued a sweeping English-only policy for the entire APD. In an email sent to the entire Department on August 5, 2015 he said that:

Effective immediately, all officers of the APD are required to speak English while they are on-duty for the Department, unless speaking a foreign language is a necessary component to performing their duties and responsibilities. The English-only requirement applies regardless of the nature of the officers' job, whether they are on patrol or in an office, or whether they are taking a brief break during the workday. Speaking a language other than English is considered a necessary job component only when: (1) officers are communicating with non-officers who do not speak English, (2) when translating or using documents,

¹ As most citizens of Ames are aware, Mayor Cox's campaign slogan is "Return to Glory," which not-so-subtly hints at a time in the past when discrimination and racism were commonplace.

testimony, or other evidence that is in a foreign language, (3) when ordered to speak another language by a court, (4) when it is necessary to preserve the life or health of any person or animal, or (5) when otherwise approved by a supervisor.

It is important that you follow this policy closely. The APD faces many emergency situations, and it is critical that every officer feel comfortable communicating with everyone else in English in the event of a life-threatening emergency. Speaking English also furthers cooperation, fosters good will in the community, and reduces the potential for harassment of both employees and members of the public. Based on my experience with similar policies, this policy will help us achieve our goal of making Ames the safest big city in the country, and the APD the finest police force in the country.

If you do not follow this or any other Department rule, you will be subject to discipline, up to and including termination. Further details are in your employee handbook.

Please do not hesitate to contact me with any questions or concerns about this or any other policy. As always, it is an honor and privilege with all the fine officers of the APD.

15. This new English-only policy is little more than a transparent attempt to create spurious grounds to discipline and terminate minority officers, especially Spanish-speaking officers, who are used to speaking Spanish to one another in the office or while on patrol. Further, there is absolutely no public-safety or job-related reason for this change.

Espinosa And Simone Are Terminated

16. Plaintiffs Espinosa and Simone, who often work together as detectives, tried their best to comply with this new directive. However, as native speakers and long-time colleagues, it was difficult for them not to speak Spanish in the

office from time-to-time with one another. This is especially true when they are discussing cases in which the victims and victims' families were Latinos, because often their notes or other materials had been in Spanish, so it was only natural to discuss the entire case in Spanish.

17. On September 9, 2015, following what Plaintiffs believe was a complaint by a non-Latino officer who has long been jealous of Espinosa's success, the Department formally notified both Espinosa and Simone that they had repeatedly been observed speaking Spanish, in violation of the policy, and that they would be censured and suspended for one-week without pay. The Plaintiffs' administrative appeal was denied.

18. Plaintiffs served their suspension during the week of November 16, 2015. They both returned to work on November 23, 2015.

19. On December 10, 2015, they were each again notified that they had been speaking Spanish while on-duty. Because this was a repeat violation of the same policy in a three-month span, Plaintiffs were suspended for two weeks and demoted from Detectives to Traffic Officers. The Plaintiffs' administrative appeal was denied and their demotion and suspension was to start on February 16, 2016.

20. Rather than accept the unlawful suspension and demotion and then be forced once again to submit to the unlawful, discriminatory English-only policy, Plaintiffs each resigned effective February 16, 2016.

21. Plaintiffs each timely filed a charge of discrimination with the EEOC on December 11, 2015. They later requested a right-to-sue letter, which was issued on March 1, 2016.

Count 1: Disparate Impact, In Violation of 42 U.S.C. § 2000e
(Against City of Ames Only)

22. Plaintiffs incorporate by reference all of the foregoing allegations.

23. The Civil Rights Act of 1964 prohibits the APD from adopting policies that have a disparate impact on employees on the basis of their race and national origin.

24. Defendants' adoption and enforcement of an English-only language policy is unlawful under the EEOC's interpretation of Title VII, *see* 29 C.F.R. § 1606.7, because it disparately impacts employees who are not white and who are from a country where English is not the native language.

Count 2: Intentional Discrimination, In Violation of 42 U.S.C. §§ 1983 & 2000e
(Against Both Defendants)

25. Plaintiffs incorporate by reference all of the foregoing allegations.

26. The Civil Rights Act of 1964 and the Fourteenth Amendment prohibit intentional discrimination (also known as disparate treatment) on the basis of race and national origin.

27. Defendants' adoption and enforcement of an English-only language policy was done with the knowing and malicious intent to discriminate against people based on their race and country of origin. Defendants acted under color of law in adopting and enforcing this policy.

Prayer For Relief

WHEREFORE, Plaintiffs request that this Court:

1. Declare the APD's English-only policy unlawful, void, and unenforceable;
2. Reinstate Plaintiffs as Detectives at the Ames Police Department;
3. Award Plaintiffs back pay, front pay, compensatory damages, and punitive damages in an amount to be determined at trial;
4. Award Plaintiffs' attorney's fees; and
5. Grant such further relief as this Court may deem just and proper.

Dated: March 15, 2016

Respectfully submitted,

Ted Buckland

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Ames City, Ames 02100
Attorneys for Plaintiffs

—

In the U.S. District Court for the
District of Ames

CARLA ESPINOSA and BOBBY
SIMONE, Plaintiffs

v.

CITY OF AMES, and POLICE
COMMISSIONER ROBERT "BOB"
KELSO, Defendants.

NOTICE OF MOTION
FOR SUMMARY
JUDGMENT

No. 16-cv-3728

Plaintiffs Carla Espinosa and Bobby Simone, by and through their attorney Ted Buckland, Esq., hereby move pursuant to Fed. R. Civ. P. 56 for summary judgment against Defendants City of Ames and Commissioner Robert Kelso on the two causes of action in this case. As there are no genuine issues of material fact, Plaintiffs are entitled to summary judgment as a matter of law.

This motion is supported by the following Memorandum of Points and Authorities, the pleadings and papers on file, the attached exhibits, and any oral argument the Court allows at hearing of the Motion.

Dated: March 28, 2017

Respectfully submitted,

Ted Buckland

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In the U.S. District Court for the
District of Ames

CARLA ESPINOSA and BOBBY
SIMONE, Plaintiffs

v.

CITY OF AMES, and POLICE
COMMISSIONER ROBERT "BOB"
KELSO, Defendants.

NOTICE OF MOTION FOR
SUMMARY JUDGMENT

No. 16-cv-3728

Defendants City of Ames and Commissioner Robert Kelso hereby move pursuant to Fed. R. Civ. P. 56 for summary judgment against Plaintiffs on all causes of action in this case. Defendants are entitled to summary judgment as a matter of law.

This motion is supported by a Memorandum of Points and Authorities, pleadings and papers on file, attached exhibits, materials subject to judicial notice, and all other materials this Court is authorized to consider.

Dated: March 28, 2017

Respectfully submitted,



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In the U.S. District Court for the
District of Ames

CARLA ESPINOSA and BOBBY
SIMONE, Plaintiffs

v.

CITY OF AMES, and POLICE
COMMISSIONER ROBERT "BOB"
KELSO, Defendants.

Joint Statement of Material
Undisputed Facts
(Local Rule 56.18)

No. 16-cv-3728

Plaintiffs Carla Espinosa and Bobby Simone, and Defendants City of Ames and Commissioner Robert Kelso, hereby agree that the following material facts are true and uncontested:

1. Carla Espinosa was born in Mexico and legally immigrated to the United States when she was 11-years-old. Spanish is her native language. She has spoken English fluently since she was 15.

2. Espinosa was the highest-rated female trainee in her class at the Police Academy.

3. She entered service for the Ames Police Department ("APD") in 2005. She was on traffic and neighborhood patrol for six years.

4. She was promoted to Detective in 2011.

5. In 2013, she won the Mayor's Medal for Service for her work in determining who kidnapped three undocumented immigrant children Central Ames. The children were from Honduras and spoke only Spanish, as was the convicted kidnapper.

6. Central Ames is a predominantly Latino neighborhood. Many residents do not speak much English or, if they do speak English, they prefer to communicate in Spanish.

7. In approximately ten years of service, Espinosa had never been formally disciplined before the events described in this lawsuit.

8. Bobby Simone was born in El Salvador and legally immigrated to the United States when he was seven years old. Spanish is his native language.

9. Simone entered the APD in 1994 as a patrol officer.

10. In 2007, Simone was promoted to Detective.

11. Simone was disciplined in 2009, when he received a formal warning for harassment.

12. Prior to 2015, there were no rules or regulations regarding the language spoken among members of the APD.

13. Commissioner Kelso was appointed Police Commissioner on January 13, 2015, the same day that Mayor Perry Cox took office.

14. Prior to joining the APD, Commissioner Kelso was the Deputy Commissioner for Operations of the New York Police Department (“NYPD”). At the time of Kelso’s departure from the NYPD, the NYPD had an English-only language policy in effect that applied to all of the officers in the Department.

15. On August 5, 2015, Commissioner Kelso sent an email to officers of the APD. The email said, in full:

Effective immediately, all officers of the APD are required to speak English while they are on-duty for the

Department, unless speaking a foreign language is a necessary component to performing their duties and responsibilities. The English-only requirement applies regardless of the nature of the officers' job, whether they are on patrol or in an office, or whether they are taking a brief break during the workday. Speaking a language other than English is considered a necessary job component only when: (1) officers are communicating with non-officers who do not speak English, (2) when translating or using documents, testimony, or other evidence that is in a foreign language, (3) when ordered to speak another language by a court, (4) when it is necessary to preserve the life or health of any person or animal, or (5) when otherwise approved by a supervisor.

It is important that you follow this policy closely. The APD faces many emergency situations, and it is critical that every officer feel comfortable communicating with everyone else in English in the event of a life-threatening emergency. Speaking English also furthers cooperation, fosters good will in the community, and reduces the potential for harassment of both employees and members of the public. Based on my experience with similar policies, this policy will help us achieve our goal of making Ames the safest big city in the country, and the APD the finest police force in the country.

If you do not follow this or any other Department rule, you will be subject to discipline, up to and including termination. Further details are in your employee handbook.

Please do not hesitate to contact me with any questions or concerns about this or any other policy. As always, it is an honor and privilege with all the fine officers of the APD.

16. On September 9, 2015, the Department formally notified both Espinosa and Simone that they were the subject of a complaint for violating they had repeatedly been observed speaking Spanish, in violation of the English-only policy.

17. They were told they would be censured and suspended for one-week without pay.

18. On October 30, 2015, Plaintiffs' administrative appeal was denied.

19. Plaintiffs served their suspension during the week of November 16, 2015.

They both returned to work on November 23, 2015.

20. On December 10, 2015, they were each again notified that they had violated the English-only policy.

21. Plaintiffs were suspended for two weeks and demoted from Detectives to Traffic Officers.

22. Plaintiffs' administrative appeal was denied on February 4, 2016. Their demotion and suspension was to start on February 16, 2016.

23. Plaintiffs each resigned effective February 16, 2016.

Respectfully submitted,

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF AMES

CARLA ESPINOSA AND	:	
BOBBY SIMONE,	:	
PLAINTIFFS,	:	
	:	
VS.	:	NO. 16-cv-3728
	:	
CITY OF AMES AND	:	
ROBERT KELSO,	:	
DEFENDANTS.	:	

AMES CITY, AMES
JUNE 22, 2016

TRANSCRIPT OF DEPOSITION OF
ROBERT KELSO

COURT REPORTER:	DREW SUFFIN
	6816 KLARMAN WAY
	AMES CITY, AMES 02100

1 name was Turkelton, yes. I'm not sure what kind
2 of name that was, but that was his name.

3 Q: Okay, thanks. Let's turn to your background. What
4 was your job prior to becoming Commissioner of
5 the APD?

6 A: I was the Deputy Commissioner for Operations for
7 the NYPD for about five years, from 2010 to 2014.
8 Before that, I was the Commissioner in Tucson
9 starting in 2006. I was actually an officer in
10 Tucson at various ranks for 23 years before I was
11 appointed Commissioner.

12 Q: Thank you for that background, but for future
13 reference, please remember to answer just the
14 question posed. You don't need to go beyond it.

15 A: Of course.

16 Q: Commissioner, what happened that enabled you to
17 get your current job?

18 A: I got a call from Mayor Cox after he won the
19 election in 2014 asking me to interview. I
20 interviewed, and we hit it off. He offered me the
21 job two days later, and I accepted.

1 Q: Why do you think Mayor Cox initially contacted
2 you?

3 A: I don't know. He has not told me.

4 Q: Okay. Is it fair to say that you were a supporter
5 of his before the election?

6 A: It's fair to say.

7 Q: And how did you support his candidacy?

8 A: Well, I didn't do a lot. I gave one interview
9 where I said that the key to a safe city is
10 discipline and professionalism in the police
11 force, and that I really appreciated Mayor Cox's
12 attempt to emphasize the need for high-quality
13 policing if we want to restore greatness to our
14 cities. I liked his message.

15 Q: Did you donate money to his political campaign?

16 A: I did. I donated \$1,000.

17 Q: Did you ever attend or speak at any campaign
18 rallies of his?

19 A: No, I did not.

1 Q: Were you familiar with his anti-immigrant
2 rhetoric?

3 MS. TRACY: Objection, argumentative, assumes facts
4 not in evidence, no foundation.

5 Q: You can go ahead and answer the question.

6 A: I don't know what you mean.

7 Q: Okay. Did you ever hear the Mayor say anything
8 that you thought was discriminatory against
9 Latinos or Hispanics?

10 A: No.

11 Q: Really. Did you recall hearing the Mayor say
12 quote "Latinos, if they come here, they need to
13 learn English or they need to go back to Mexico
14 or Havana or wherever they came from. If they're
15 not smart enough to learn our language, they're
16 not smart enough to live here, work here, or get
17 any government benefits here." He said that on
18 October 4, 2014, at a campaign event, as we have
19 stipulated in this case.

20 A: I don't recall specifically, but something like
21 that I remember, sure. That made a lot of news.

1 Q: You did not think that expressed animus against
2 Latinos or those who speak Spanish?

3 A: I did not and do not, no.

4 Q: Do you agree with the Mayor's statement?

5 A: Mostly.

6 Q: What don't you agree with?

7 A: Well, I perhaps wouldn't have phrased it in terms
8 of being "smart," because language learning is
9 difficult. But I agree with the general principle
10 of come to America, learn English. You're here
11 now. I mean, when I left Tucson for New York, I
12 learned the New York subway system there so that
13 I could get around. Same idea: you move, you
14 adapt to your new place, not the other way
15 around. If I retire to Panama, I'll take Spanish
16 lessons. That's what they speak there.

17 Q: Okay, one more statement. Did you hear the Mayor
18 say "Do you know why crime is rising? It's
19 because Ames' finest aren't the best and the
20 brightest any more. The last twenty years, the
21 they have no rules, no regulations, no standards

1 in the APD: you can wear whatever you want, don't
2 have to cut your hair, don't have to look nice,
3 don't even have to speak English on the job! Let
4 me tell you, when I get into office, that
5 changes. We are gonna clean house, and only the
6 best and brightest will be left standing, just
7 like it should be. That's how Ames will be
8 reborn. The APD will be reborn, and the whole
9 city with it. A return to glory, like Ames was
10 when I was growing up." He said that at a
11 campaign event on May 25, 2014, as we previously
12 stipulated.

13 A: I was not there, but I do recall seeing clips of
14 that on TV. So yes, I heard that.

15 Q: And what did you think of it?

16 A: I liked it. He is talking about law and order and
17 supporting law enforcement. Obviously that was
18 appealing to me.

19 Q: Did you give any thought to the part where he
20 talked about how he was opposed to the lack of an
21 English-only policy in the APD?

1 A: I do not recall noticing or thinking about that
2 remark, no.

3 Q: Okay. Let's talk about the English-only policy
4 you announced on August 5, 2015. Why did you
5 implement it?

6 A: For the reasons I said in the policy. I have
7 nothing to add. I said exactly what I was
8 thinking.

9 Q: Did it have anything to do with the Mayor's
10 statement that I just read, when he said on May
11 25, 2014 that officers at that point were not
12 required to speak English?

13 A: I don't think so, no. I did not recall that
14 statement specifically. It was not at the top of
15 my mind when I was thinking through the policy.

16 Q: Could it have been in the back of your mind?

17 A: I mean, okay, I'm under oath, so of course it
18 could have been. Look, I'm trying to do a job.
19 I'm working for the Mayor. In preparing for the
20 job interview in 2014, I went over the Mayor's
21 statements about the APD. That was one of them. I

1 can tell you with complete confidence that I did
2 not implement this policy solely because of that
3 statement, but yeah, I knew about the comment, I
4 knew he had called out the lack of an English-
5 only policy, I knew he wanted more rules and more
6 discipline. Probably why I got hired.

7 Q: Did you have any conversations with the Mayor
8 about the policy beforehand?

9 MS. TRACY: Objection, calls for privileged
10 information. Bob, you don't have to answer.

11 A: I have no problem answering because there's
12 really not much privileged. I had one
13 conversation on August 1, 2015, when I told him
14 that I was going to implement the policy. He said
15 "good idea, you know I'm in favor of that" and
16 left it at that. That's it.

17 Q: So, he did not direct you to implement this
18 policy?

19 A: No.

20 Q: No one on his staff directed you to implement
21 this policy?

1 A: No.

2 Q: Then what prompted you to implement this policy?

3 A: It's a good policy. I saw it work well at the
4 NYPD when I was there. It added a degree of
5 professionalism, put everyone on the same page,
6 made people safer. It was a no-brainer to bring
7 to Ames, especially because I knew from the
8 Mayor's campaign and overall attitudes that it
9 would fit well with what he was talking about.
10 And in fact he liked it, as I said.

11 Q: Were you familiar with any complaints that the
12 NYPD's English-only policy was discriminatory?

13 A: No, I don't recall any.

14 Q: Do you think the NYPD's policy was
15 discriminatory?

16 A: Of course not. I don't discriminate. If I thought
17 it was discriminatory, I would have gotten rid of
18 it in New York, and I wouldn't have brought it
19 here. The policy is about safety. It's about
20 community. It's about professionalism. It's about
21 preventing harassment. The very last thing I want

1 to do is discriminate against any officers,
2 white, Latino, Asian, whatever. You want to speak
3 Spanish at home? Speak it. Cook tacos. Eat
4 guacamole. Play soccer. Celebrate your culture. I
5 couldn't care less. Just don't speak Spanish
6 while you're on the clock for the APD. Simple.

7 Q: Did you witness any instances of harassment by
8 Spanish speakers in the months after you took
9 office and before the policy was effective?

10 A: Not that I can recall, but how would I know? I
11 don't speak Spanish.

12 Q: Did you receive any reports of such harassment?

13 A: Not that I recall.

14 Q: Did you consider putting any exceptions to the
15 policy in, other than the one for necessity?

16 A: Of course not. Exceptions would just create an
17 excuse for my supervisors to choose who to
18 enforce it against and who they want to let
19 slide. That's not how I operate. If you're in
20 Central Ames and someone got robbed and they
21 don't speak English, sure, take a statement in

1 Spanish. Of course. That's good policing. The
2 rest of the time, speak English. That's the rule.
3 My officers are there to do a job. A hard job. An
4 important job. There can't be any exceptions or
5 enforcement discretion of this policy, or else
6 it's unfair. We all have to speak English,
7 whether we're from Ames, Japan, Mexico, Mars,
8 wherever. That's the opposite of discrimination.
9 That's a fair policy for every officer.

10 Q: Okay, just a few last questions about the APD. We
11 asked you to produce documents showing
12 demographic statistics for this depo, and I just
13 want to go over some key ones to make sure I
14 understand them.

15 A: Have at it.

16 Q: Thanks. Okay, so this first set of departmental
17 statistics are as of January 1, 2015?

18 A: Yes.

19 Q: That's the most recent data you have?

20 A: Yes.

21 Q: And were you Commissioner on this date?

1 A: No.

2 Q: How many officers in the APD as of that date?

3 A: 1800. Exactly.

4 Q: How many total officers identified as Hispanic or
5 Latino?

6 A: 216.

7 Q: How many identified as Asian?

8 A: 21.

9 Q: How many spoke a language other than English as
10 their first language?

11 A: We do not keep that statistic.

12 Q: Okay, now one more set of questions, about the
13 enforcement of this English-only policy. How many
14 people have been sanctioned as a result of
15 speaking a foreign language while on the job?

16 A: Six.

17 Q: How many people have been sanctioned as a result
18 of speaking Spanish?

19 A: Six.

1 Q: How many people have been sanctioned as a result
2 of speaking a language other than Spanish?

3 A: Zero.

4 Q: Okay, that's all I've got. Any direct?

5 MS. TRACY: Just a few questions.

6 DIRECT EXAMINATION BY MS. TRACY

7 Q: Commissioner Kelso, would you say that, before
8 the English-only policy was implemented, you
9 heard officers speaking Spanish while on duty?

10 A: Yes.

11 Q: Other than English and Spanish, then, did you
12 hear officers speaking any other language during
13 that time period?

14 A: Not that I recall.

15 Q: Okay, now, I know you don't have statistics on
16 this, but do you know of other officers whose
17 native language is neither English nor Spanish?

18 MR. BUCKLAND: Objection. Calls for speculation. Lacks
19 personal knowledge.

1 Q: You can answer.

2 A: I do.

3 Q: Who are they?

4 MR. BUCKLAND: Same objection.

5 A: My lead Deputy is from Brazil and grew up
6 speaking Portuguese. We have a handful of creole
7 speakers from Haiti that I'm aware of, I think
8 about three. I believe that there are a few who
9 natively speak Vietnamese and possibly other
10 Asian languages. I don't recall exactly, but
11 there are quite a few, and quite a few different
12 languages.

13 Q: Okay, that's it. Thank you. Thank you court
14 reporter.

15 A: Thank you.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF AMES

_____	:	
CARLA ESPINOSA AND	:	
BOBBY SIMONE,	:	
PLAINTIFFS,	:	
	:	
VS.	:	NO. 16-cv-3728
	:	
CITY OF AMES AND	:	
ROBERT KELSO,	:	
DEFENDANTS.	:	
_____	:	

AMES CITY, AMES
JUNE 15, 2016

TRANSCRIPT OF DEPOSITION OF
CARLA ESPINOSA

COURT REPORTER:	DREW SUFFIN
	6816 KLARMAN WAY
	AMES CITY, AMES 02100

1 very annoying. But sure, I dealt with it. I'm a
2 pro.

3 Q: Got it. Okay, let's move to your time before this
4 policy. How often did you speak Spanish while on
5 duty?

6 A: Frequently.

7 Q: How much is frequently?

8 A: For extended periods, most days. I mean, first of
9 all, there are six other detectives who sit right
10 near me who are Latino. We sometimes just find
11 ourselves speaking Spanish. It's natural. I can
12 hardly help it.

13 But also, I mean, we have some heavily Latino
14 neighborhoods in Ames, and we go all over the
15 place. Central—like, Central Ames is what,
16 basically all Latino, and some parts of it have a
17 lot of crime. So of course I worked cases there
18 with either people who didn't speak English or
19 people who just wanted to speak with me in
20 Spanish.

1 Q: And did you ever joke around with others in
2 Spanish?

3 A: Of course, sure.

4 Q: Ever make fun of another officer in Spanish that
5 couldn't understand what you were saying?

6 A: Look, I didn't harass anyone, no. Not in English,
7 not in Spanish.

8 Q: Counsel, can you please tell Ms. Espinosa to
9 answer the question? That's not what I asked.

10 A: Okay, sorry. Repeat the question.

11 [The previous question is read back.]

12 A: Well, yeah. I mean, I can't say no, I never poked
13 fun at anyone. I'm sure it happened. I never said
14 anything too bad, and I never got in trouble, and
15 no one ever said they were offended by it. We
16 have fun, but I have no enemies on the force.

17 Q: Were you ever in a situation where a non-officer
18 heard you speaking Spanish?

19 A: Of course. All the time, in Central Ames.

1 Q: Good point, let me clarify. Were you ever in a
2 situation where a non-officer who did not
3 understand Spanish heard you speaking Spanish?

4 A: Probably. I don't recall for sure.

5 Q: How did you feel about that?

6 A: I don't recall. I'm an inclusive person. I would
7 never want to make anyone in Ames feel
8 uncomfortable, and I never did so intentionally.

9 Q: Okay, let's move on to the events after the
10 policy. Do you recall speaking Spanish while on
11 duty after the policy was in force?

12 A: Yes. I mean, I can't really control it.

13 Q: When?

14 A: Multiple times. With Bobby and a few others in
15 the office. With citizens. In the car with Bobby
16 working a case.

17 Q: Why did you do that?

18 A: I'm comfortable speaking Spanish, and so are the
19 others I spoke it with. I knew about the policy,
20 but habits are hard to change. Plus, I thought it

1 was just a publicity stunt for Mayor Anti-
2 Immigrant. I doubted it would be enforced.

3 Q: I'll move to strike that epithet as argumentative
4 and unresponsive. Please just answer the
5 questions.

6 A: He's a racist. Everyone knows it.

7 Q: Move to strike. Counsel, please tell your client
8 not to make comments like that. It mucks up the
9 record.

10 MR. BUCKLAND: Carla, counsel's right. We're almost
11 done. Sorry, counsel.

12 Q: So you admittedly spoke Spanish, then you were
13 disciplined. Did you speak Spanish while on duty
14 after that?

15 A: I did. I tried to stop, but I couldn't fully, I
16 guess.

17 Q: Why not?

18 A: It's my native language. I feel comfortable with
19 it. And, again, talking to my friends who also

1 speak Spanish is natural. We have a
2 constitutional right to do it.

3 Q: Thanks. That's all I have.

4 DIRECT EXAMINATION BY MR. BUCKLAND

5 Q: Carla, had you ever been disciplined before this
6 policy was implemented?

7 A: No. Not once.

8 Q: Did you ever have trouble responding in an
9 emergency because you could not communicate with
10 officers or citizens?

11 A: No, never.

12 Q: Did you ever hear a language other than Spanish
13 being spoken at APD headquarters?

14 A: Some of the janitorial staff speaks Polish, and I
15 heard it. Two patrolmen I worked with spoke
16 Vietnamese to each other years ago. That's all I
17 can recall.

18 Q: Okay, let me see, maybe it's time to take a break
19 before we end. You know what, let's take five,

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF AMES

_____	:	
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BOBBY SIMONE,	:	
PLAINTIFFS,	:	
	:	
VS.	:	NO. 16-cv-3728
	:	
CITY OF AMES AND	:	
ROBERT KELSO,	:	
DEFENDANTS.	:	
_____	:	

AMES CITY, AMES
JUNE 15, 2016

TRANSCRIPT OF DEPOSITION OF
BOBBY SIMONE

COURT REPORTER:	DREW SUFFIN
	6816 KLARMAN WAY
	AMES CITY, AMES 02100

1 yeah, all the time.

2 Q: Okay. I want to ask you about your record. Were
3 you formally disciplined before 2015 by the APD?

4 A: I was, once.

5 Q: When?

6 A: 2009.

7 Q: What were the grounds for discipline?

8 A: I was written up for the supposed harassment of
9 another officer.

10 Q: Supposed?

11 A: Well, I didn't do anything wrong. But that's what
12 they said.

13 Q: Okay. Were you suspended?

14 A: I was not.

15 Q: Were you censured?

16 A: I was not.

17 Q: Were you given a warning?

18 A: I was.

1 Q: On what basis?

2 A: Well, the charge stated that me and another
3 Detective, Juan Dorián—everyone calls him JD—
4 were harassing one of the secretaries in the
5 Department.

6 Q: Who was the secretary?

7 A: Her name was Belena O'Malley.

8 Q: Did she speak Spanish?

9 A: Yes. Funny last name because she's married to an
10 Irish guy, but she's Latina. From Puerto Rico.

11 Q: So, were you harassing her in Spanish or English?

12 A: I wasn't harassing her.

13 Q: Okay, let me put it this way. Were the remarks
14 that formed the basis of the charge made in
15 Spanish or English?

16 A: I believe the charges said primarily in Spanish.

17 Q: What were you saying?

18 A: You know, the usual. Just poking some gentle fun,
19 of her Irish last name, of her outfits, of what

1 she liked to do on weekends. I guess she got
2 offended and reported it, or maybe someone who
3 understood Spanish overheard and said something.

4 Q: Were there other people who worked nearby who
5 spoke Spanish, other than you and Juan?

6 A: Depends what you mean nearby.

7 Q: Fair point. Within earshot. People who could hear
8 what you're saying if they are at their desk.

9 A: Let me think. Ricardo Lopez was pretty close, not
10 sure if he was within earshot. I think another
11 secretary, Nina something, could probably hear.

12 Q: Anyone else?

13 A: Not that I can think of on a regular basis.
14 People were always walking by and coming in for
15 work, but that's who sat nearby that also spoke
16 Spanish. Or, that I know spoke Spanish. Maybe
17 there's others. I can't say I know whether every
18 officer speaks Spanish.

19 Q: Okay, I understand. Thank you. Okay, now let's
20 move on to a different topic. Let me see what
21 else is here. Maybe we need a quick five-minute

ABOUT AMES

The City of Ames is the largest city in the State of Iowa. Founded in 1689 by Quaker missionaries, Ames is now home to a thriving and diverse population that makes it the perfect place for you to do business.

Here are a few key facts you'll want to know in deciding whether to move your business to this great city.

- Ames is now the fifteenth-largest city in the United States, with a population of 859,060. Approximately 41% of Ames's citizens have a college degree.
- Ames is demographically diverse. 62% of Ames citizens are white, 23% are Hispanic or Latino, 7% are African-American, and 4% are Asian.
- Ames is one of the safest big cities in America. According to the FBI, in 2015, there were only 243 violent crimes per 100,000 people—one of the lowest rates in America! Moreover, Ames's crime rate keeps going down. Ames had 4% fewer violent crimes in 2015 compared with 2014, and 2014 was 6% safer than in 2013.

Don't hesitate to contact us at the Ames Chamber of Commerce for more information.

KEY AMESIANS



The Hon. Perry Cox

Perry Cox is Ames's newly-elected mayor. A former doctor and hospital executive, he has promised to restore greatness to Ames. His focus on economic growth and public safety will be a boon for the business



Robert Kelso

Robert "Bob" Kelso is the Police Commissioner of Ames. With an impeccable track record, he will make sure that Ames continues to be one of the safest big cities in America.



Stephanie Gooch

Stephanie Gooch is the Director of the Ames Chamber of Commerce. She stands ready to answer any questions you need to bring your business to Ames.

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CITY OF AMES



1-132-AMES-NOW
info@ameschamber.com

Name

Email

Message

Send Us

@2016 by Ames Chamber of Commerce.

Bloomberg backs NYPD's English-only policy

BY JENNIFER FERMINO

NEW YORK DAILY NEWS Monday, June 24, 2013, 9:51 PM



Mayor Bloomberg said all officers need to be able to understand the same commands instantly "when lives are on the line." Critics say the wide-reaching policy should not extend to everyday conversation between officers, however. (MARK BONIFACIO/NEW YORK DAILY NEWS)

Calling it a "life and death" issue, [Mayor Bloomberg](#) on Monday defended the NYPD's English-only policy as crucial to running the largest and most diverse police force in the nation. "I don't see how you can ever run any company or any organization unless everybody speaks the same language," said Bloomberg, who routinely ends his news conferences in Spanish. Hizzoner was responding to a Daily News story Monday that exposed the controversial policy so strict that one cop was cited for uttering one sentence in Spanish.

"In America, in New York, I think it's fair to say that a majority of people speak English and so that's the language that we have to communicate in," Bloomberg said.

"This is life and death . . . Everybody has to be able to understand the same commands instantly and go in the direction they're ordered to go when lives are on the line."

[Police Commissioner Raymond Kelly](#), who frequently boasts about the diversity in the police department, said he's "proud" that more than a quarter of NYPD officers are Hispanic.

But that doesn't mean they should go around speaking Spanish, he said.

"Suppose you are a citizen and you walk into a police station and you find the police officers speaking Gaelic," said Kelly. "It would be somewhat unsettling, right?"

But critics say Kelly and Bloomberg are missing the point.

"We're talking about conversations between officers. Not emergencies," said Anthony Miranda, chairman of the National Latino Officers Association.

Miranda is a former NYPD sergeant who retired in 2002.

The News report Monday highlighted Officer Jessenia Guzman, who was issued an order of reprimand last month for speaking Spanish while on duty at an upper West Side precinct.

Department brass have also begun informing management trainees in the Police Academy to begin enforcing the strict policy across the agency.

"I find being told that I can't speak the language my grandmother taught me degrading," said one officer of Puerto Rican descent.

The crackdown on speaking other languages comes as the NYPD seeks to attract immigrants and minorities, particularly since Kelly took over in 2002.

In the past several years, non-English speakers have accounted for one in five Police Academy recruits, according to the NYPD.

After English, the second most-common language is Spanish.

Other languages include Farsi, Finnish and Igbo, which is spoken in Nigeria.

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