

IN THE CIRCUIT COURT OF CRAIGHEAD COUNTY, ARKANSAS

RACHEL ANDERSON

PLAINTIFF

VS. NO. _____

RICK ELLIOTT, Individually, and
In His Official Capacity as Police
Chief for the CITY OF JONESBORO

HAROLD COPENHAVER,
Individually, and
In His Official Capacity
As Mayor for the CITY OF JONESBORO

DEFENDANTS

VERIFIED COMPLAINT

COMES the Plaintiff, by and through counsel, and for her Complaint, she states:

PARTIES AND JURISDICTION

1. Plaintiff is a resident and citizen of Craighead County, Arkansas, who formerly worked for the Defendant CITY OF Jonesboro, a municipal corporation. RICK ELLIOTT is the chief of police for the City of Jonesboro, who is sued in his official and personal capacity. HAROLD COPENHAVER is the Mayor of the City of Jonesboro, Arkansas. Elliott and Copenhaver, were each policymakers, in matters such as those encompassed within this Complaint. All actions taken by each Defendant were taken under color of state law. This is an action for defamation, abuse of process and to redress deprivation of Plaintiff's state constitutional rights to remonstrate, free speech, life, liberty, and the pursuit of happiness granted to her by the Arkansas Constitution and the Arkansas Civil Rights Act of 1993, as well as for defamation, libel, and retaliation. Since the

acts giving rise to this matter arose within this County, venue is proper. This Court has subject matter jurisdiction. No federal claims are brought.

GENERAL ALLEGATIONS OF FACT

2. Rachel Anderson was hired in January 2019, graduated from the Police Academy in August 2020, and unfortunately faced termination in November 2023 a week after speaking at a city council meeting.
3. Throughout her tenure, she garnered multiple accolades. Notably, CrimeStoppers of Jonesboro recognized her outstanding contributions by naming her "Officer of the Year" in 2021. Plaintiff is a video analyst and so would work in the Real Time Crime Center.
4. In a 2020 commendation composed by her then-direct supervisor, Anderson was praised for her "efforts to cultivate community relations" and her dedication to "enhancing the police department's openness and transparency with our community."
5. In Jonesboro, Arkansas, a recent controversy has unfolded, drawing attention to the termination of Rachel Anderson, the senior video analyst at the Jonesboro Police Department. The dismissal followed her vocal opposition to a bond issue supported by Mayor Harold Copenhaver during a public meeting on November 7. The notice for the City Council meeting stated that "any persons interested may express their views" and "all objections and suggestions will be heard and considered."
6. City Councilman L.J. Bryant has raised concerns about the termination and has called for an independent investigation. In a letter addressed to city officials and media outlets, Bryant expressed his disapproval, emphasizing that city employees should be free to express their views at council meetings without fear of retribution. He argued that Anderson's insights were crucial for the council's decision-making process, especially when dealing with substantial financial commitments. Plaintiff is aware that 90% of their

work would be done with the detectives, not the dispatchers, yet the Mayor's plan was to have the video analysts housed next to dispatch, which was an inefficient waste of money.

7. During the public hearing in November 2023, Anderson, off duty and not in uniform, stated her name and address before she questioned the proposed \$17.5 million bond issue, primarily aimed at funding capital improvement projects, including the construction of a new joint E911 Dispatch and Real-Time Crime Center. She argued that video analysts, like herself, should be situated near detectives rather than in dispatch. She identified herself as an officer, but did not claim to represent the department. She only identified herself to explain her job as a video analyst, so that people understand the basis in reality for her opinion. Before the City Council meeting, Plaintiff utilized the chain of command to make the Mayor and Chief aware of this, but she was ignored.
8. Despite commendations from council members for Anderson's professional conduct and factual presentation, her subsequent termination was solely attributed to her speech at the city council meeting, which they claimed violated the city handbook and JPD policies. The disciplinary letter cited concerns about her comments during the public meeting and falsely mentioned recent allegations of misuse of her take-home unit, although she had already been cleared of the latter following an internal investigation. The City's own documents stated she was exonerated.
9. City Communications Director Bill Campbell defended the decision, asserting that Anderson spoke as a city employee during the meeting and not as a private citizen. He argued that her comments were disrespectful to the chain of command and proper

authorities, constituting violations of city handbook and police department procedures. However, when you look at the policies, her speech violated none of them.

10. Responding to calls for an independent investigation, Campbell deemed them "performative," stating that the city attorney's office had already reviewed and approved the decision. The mayor's office asserted that the termination was an executive decision made in consultation with police leadership.
11. Amidst the controversy, Councilman Bryant expressed disappointment with the lack of transparency and empathy in city government. He highlighted Anderson's exemplary employment record, and commendations. No disruption of the department occurred. She did not curse, did not yell, did not lie, and did not criticize any member of the department, or even the Mayor. She just opposed the plan.
12. In a statement, Bryant questioned whether city employees are only allowed to address the council if they align with the mayor's administration, emphasizing the importance of preserving the right of all 600+ city employees to express their opinions without fear of reprisal. The incident has sparked wider discussions about transparency, freedom of expression, and the balance between employees' rights and governmental decision-making
13. Plaintiff performed her job satisfactorily.
14. Plaintiff received satisfactory job evaluations.
15. Plaintiff was fired in a way that made the newspaper and has left false allegations in her personnel file that has damaged Plaintiff, both in her public standing and in trying to find other jobs. Plaintiff demanded a name-clearing hearing, but Defendants refused to grant her a name-clearing hearing.

16. Plaintiff has been upset emotionally by her termination. Plaintiff has lost wages and reputation. The City Council then refused to take action, despite a request on, December 5, 2023.
17. Plaintiff asked for a name-clearing hearing. She has been deprived of his liberty interest in her reputation without Due Process.
18. Defendant has not responded to Plaintiff's request for a name clearing hearing.

COUNT I DUE PROCESS

19. Plaintiff re-alleges the foregoing as if fully set out herein.

20. Plaintiff requested a name-clearing hearing before filing this lawsuit.

Defendants refuse to grant her a name clearing hearing.

21. Defendant had publicized information leading the public to believe that Plaintiff lied and misused her police unit. However, this was not true, and Plaintiff has been defamed and stigmatized by the Defendants in the community as a result of several newspaper articles.

22. Indeed, Plaintiff requested a name-clearing hearing, but she was not allowed one, much less the opportunity to present witnesses, nor cross-examine the decision-makers in this case.

23. Consequently, Plaintiff has been denied an effective name-clearing hearing.

24. As a direct and proximate cause of the denial of a name-clearing hearing, Plaintiff has been denied Due Process in violation of Article 22 of the Arkansas Constitution and the ACRA.

25. Plaintiff has suffered severe mental and emotional distress, loss of reputation, and incurred other damages in an amount to be proven at trial. Damage to reputation is irreparable, and Plaintiff is entitled to immediate injunctive relief. Defendants have acted intentionally such that Plaintiff is entitled to punitive damages.

COUNT II

26. Plaintiff re-alleges the foregoing as if fully set out herein.

27. Plaintiff had clearly established right to petition for redress of grievances and remonstrate. Plaintiff exercised these rights, so Defendants terminated the Plaintiff under circumstances similarly-situated employees who had committed serious policy violations had not.

28. Defendants took an adverse action against Plaintiff by terminating her without adequate pre-deprivation or post-deprivation Due Process.

29. As a direct and proximate cause of the denial of a name-clearing hearing, Plaintiff has been denied Due Process and retaliation for the exercise of her free speech and petition rights in violation of Article 22 of the Arkansas Constitution and the ACRA.

30. Plaintiff has suffered severe mental and emotional distress, loss of reputation, lost wages, loss earning capacity and incurred other damages in an amount to be proven at trial. Damage to reputation is irreparable, and Plaintiff is entitled to immediate injunctive relief.

31. Defendants have acted intentionally such that Plaintiff is entitled to punitive damages.

COUNT III

32. Plaintiff re-alleges the foregoing as if fully set out herein.

33. Plaintiff was concerned that the City was about to waste public tax money, so she addressed the City Council, which is an appropriate authority. The Mayor then required the Chief of Police to terminate the Plaintiff because she appeared in front of the Jonesboro City Council in violation of the Arkansas Whistle Blower Protection Act.

34. During her conversation with Chief Elliott in which she was terminated, Plaintiff asked which policies she violated. He wasn't able to give specific policies but said that it all fell under the Handbook, the JPD Policy, and the Civilian Code of Ethics.

35. After receiving a copy of her personnel file, there were certain policies circled in each of these documents.

36. The first document listed is the Civilian Code of Ethics wherein two points are circled.

Employees of the City of Jonesboro Police Department shall conduct themselves in their public and private activities in a manner which deserves the respect and confidence of fellow employees and the public.

Employees of the City of Jonesboro Police Department shall be loyal to the city and the department and not speak ill of its policies in a public forum to cause harm.

37. But Councilman LJ Bryant actually commended Plaintiff's professional conduct, emphasizing her factual presentation and lack of personal attacks.

38. A public forum is intended for public input, including input from employees who might be subject matter experts. There are no written regulations in the City Handbook (or anywhere else) for when/where it is acceptable or unacceptable for a city employee to go before the council whether it be a concern regarding a city project or a

personal issue. Plaintiff did so in a very respectful way with her thoughts carefully prepared beforehand and delivered in a concise and considerate way in a good faith effort to avoid waste of public money.

39. Plaintiff never spoke ill of the policies of the Department.

40. The second document listed is JPD Policy wherein two points are circled:

Employees do not publicly criticize or ridicule the Department, its policies, or other employees by talking, writing or expressing in a manner, which is defamatory, obscene and unlawful or tends to impair the operation of the Department by interfering with its efficiency, by interfering with the ability of supervisors to maintain discipline, or by a reckless disregard for the truth.

Unbecoming conduct - Employees must avoid conduct in the offices or buildings of the Department or in any public place or public forum, which might discredit themselves, the Department or the city or in any way hamper the morale, activities and goals of the Department.

But Public criticism is how a company or a government grows. Plaintiff seeks Declaratory Judgment that policy stands in the way of transparency and directly contradicts the Arkansas Whistleblower Act and the Arkansas Constitution.

41. The Arkansas Whistleblower Act “prohibits a public employer from taking adverse action against a public employee who communicates in good faith to an appropriate authority the existence of waste of public funds, property, or manpower or a violation of law; participates, or gives information, in an investigation, hearing, court proceeding, legislative inquiry, or administrative review; or objects to carrying out a directive the public employee reasonably believes violates the law.”

42. Plaintiff addressed the City Council and her chain of command in good faith and in an effort to avoid a waste of public funds. In an earnest endeavor to uphold

procedural due process and contribute to the optimal allocation of these limited resources, Plaintiff participated in the public forum, offering comments with the aim of ensuring responsible expenditure.

43. The last document is the City Handbook which has two points circled:

Unnecessary or unauthorized use of City property.

Insubordination or deliberate disobedience of instructions from the City's management, including disrespectful conduct. This includes, but is not limited to, a refusal to obey the legitimate request of any member of management, the failure to follow instructions, or the failure to otherwise perform assigned work.

The first bullet point doesn't seem to be applicable at all.

Plaintiff did not exhibit insubordination or disrespect in any manner. The emails provided below demonstrate her concerted efforts to adhere to the established chain of command and her attempts to secure meetings with her superiors. Furthermore, it is worth noting again, that her professionalism during the public hearing was expressly commended by multiple councilmembers who were in attendance.

44. The Defendants falsely published to the media this week that Plaintiff failed to follow the chain of command when communicating her concerns. On November 30, 2022, Plaintiff sent an email to Mayor Copenhaver and copied Assistant Chief Waterworth:

"Mayor, we've talked before about putting together some RTCC site visits. If you can provide us with 1 or 2 days when your schedule is free, we will get a couple per day lined up so we can hopefully visit before the end of the year."

Plaintiff received no response.

45. On February 1, 2023, Assistant Chief Waterworth sent Plaintiff and Brian Richardson an email:

"When you start to think about the RTCC (which by the way, is a function of police investigations, NOT dispatch) – please, please, please, consider an all in one facility so we could bring all of the PD together under one roof. And, we would more than welcome dispatch to join us!

North Little Rock PD's new facility just won an award (article above) – I know a whole new building is a stretch, but if you have to do a bond issue for it anyway, why not knock the whole thing out?

Just something to think about ;)"

Plaintiff replied to Assistant Chief Waterworth and Brian Richardson both on February 2, 2023:

"I totally agree.

Us being close to CID and the Detectives is INCREDIBLY important. Much more important than being in a room next to or with dispatch. I've tried to tell the Mayor and Chief this and they don't seem to hear it.

We are a function of investigations. The tactical dispatch portion of doing things in "real time" is less than 10% of what we do. Even then, we do not talk to or deal with dispatch. We talk directly to officers. Investigations is 90% of what we do and being separated from CID would definitely hinder that.

I'm not sure where the "RTCC and Dispatch need to go in the same building" idea came from but no one does it that way. If we need to take more site visits, I am 100% onboard."

Brian Richardson never responded to Plaintiff's nor Assistant Chief Waterworth's comments.

46. On October 4, 2023, Plaintiff texted Brian Richardson and they had the following conversation:

R: "Are we getting a new RTCC Building?"

B: "Mayor plans to propose that to council as part of a revenue bond yes"

R: "Is there a set location and/or architect hired"

B: "Nothing is set in stone"

R: "Any way I can be included in these discussions? Does my opinion matter since it's kinda my show?"

B: "Your input has and will continue to be important and valued. This is and has been a priority project for Cope since he took office and he will be making the final decisions based on input from multiple areas and due diligence by the city. The formal process for that will begin if approved by council. That will take a couple months minimum. If it appears that approval won't be an issue then we probably need to start some early discussions regarding narrowing down locations and basic needs etc."

The conversation continued on October 24:

R: "Can I see the floor plans that I know exist?"

B: "I can get what Brackett drew up, I haven't seen them - just heard. It is going to need to be reduced in size by a good bit to be affordable from what I gathered talking to Craig."

R: "Had a meeting with Jason today and he said he's seen them. Just feel like I'm being left out of this whole entire thing."

B: "I will look for them. I'm hesitant to get too attached to whatever is laid out because it's simply not going to be a 14k square foot building unless it can really be value engineered."

R: "Thank you"

Brian never sent Plaintiff the plans.

47. Then, the City claimed that Plaintiff shouldn't have been able to speak at council because she lives in the county. There have been over 22 instances of non-residents (including employees) approaching council and being allowed to speak. This number includes people from out of state such as Mr. Chad Fischer from Olive Branch, MS and Mr. Jeff Harris from Memphis, TN.

48. Nonetheless, Plaintiff sent a message to Councilman Brian Emison on September 21, 2023:

"Even though I'm an employee, I'm not allowed to address the Council during public comments because I live in the county, right?"

Mr. Emison replied:

"I don't believe that is the case. We had someone from TN speak two weeks ago that had a business interest in town. I would say that if someone has an issue that pertains to the City through any aspect of their life that they are welcomed to speak so that would 100% check the box for employees!"

Based on Councilman Emison's response to her question back in September, and the fact that several other non-residents have been allowed to speak, Plaintiff believed, in good faith, that Plaintiff was completely within her rights as a citizen to approach the council regarding a concern she had.

49. Regarding Plaintiff "speaking on behalf of the department," at least eight JPD employees have approached the microphone at council and formally introduced themselves by stating their name, address, and highlighting their title as a multi-year veteran of the Jonesboro Police Department. Additionally, there have been at least four municipal employees who have formally addressed the city council during its meetings and have not incurred any repercussions. Indeed, one of these employees reside outside city limits.

50. Based on these few examples of employees who have spoken at council meetings and hearings, Plaintiff was well within acceptable behavior to approach the mic and state her name, address, and job title just like several before her who faced zero consequences. These employees were never said to have been speaking on behalf of their department, yet they stated their job title just like Plaintiff. They even went a step further and stated things like, "it's not just me, it's everyone." A sentiment Plaintiff never used. Thus, this was clearly a restriction based on the content of Plaintiff's speech.

51. Defendants also falsely published to the media that Plaintiff's comments were disrespectful and unprofessional.

52. On September 23 of this year, a dispatcher unknowingly had an open mic on the E911 main radio channel and could be heard across the entire state by anyone with an AWIN radio saying, "I don't give a f*ck if you're a sergeant, I don't give a f*ck what you are, you're not gonna come across this radio yelling at me. 29 was like 10-6 at my 42 bitch I don't give a f*ck..." A supervisor came over the radio and said "Dispatch you have an open mic." She quickly stopped talking. This type of behavior is what would be widely considered "disrespectful" or "unprofessional", yet this employee was not terminated. To Plaintiff's knowledge she was not even reprimanded. In fact, a few weeks later, she was promoted to a training position in the center.

53. Public forums have a long-standing tradition of being used by the government to freely exercise the right to speech and public debate and assembly. Unfortunately, in this instance, these freedoms were censored by red tape, ambiguous policy, and hurt feelings.

54. Plaintiff's termination has conveyed a message to all city employees, suggesting that their voices are undervalued, and their well-informed opinions will be disregarded. Unfortunately, this sentiment isn't new. To quote a local news story from 2016,

"Some officers were afraid to voice their opinions because they were afraid of being punished. [...] Those who have spoken out in the past have been punished."

55. Plaintiff loved her job. And Plaintiff was very good at it. Plaintiff never had a complaint filed against her, was never suspended, warned, or put on a performance improvement plan.

56. Plaintiff has won multiple awards for her work both in social media and in investigations. There is no one better suited for her former role than Plaintiff was. But Plaintiff was terminated for false or illegal reasons. Every voice is important and to quote Mayor Copenhaver himself from December 20, 2022:

"Employees are the heart and soul of the Jonesboro public servant sector. I believe they are the hands and feet of our community."

57. Plaintiff prays for a trial by jury.

WHEREFORE, Plaintiff prays for appropriate compensatory damages, liquidated damages, and punitive damages, for an injunction requiring that the Defendant allow Plaintiff an effective name-clearing hearing, to include, but not limited to, a right to present witnesses, and cross examine the witnesses in a public forum, for declaratory judgment that Plaintiff was not afforded a proper name clearing hearing, for an apology, for a positive reference, designation as rehireable, a public apology, training for the Mayor, City Attorney, Police Chief, Director of Communications, public retraction of all negative statements, cleansing of her file, backpay, front pay or reinstatement, posting of the verdict in the police department. for a trial by jury, for an injunction requiring the Defendant to modify its policy, for a reasonable attorney's fee, for costs, for reinstatement and for all other proper relief.

