

# Details released in Roseville Police anti-gay harassment lawsuit - Roseville Press-Tribune

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A lawsuit filed Thursday alleges the Roseville Police Department fostered a hostile work environment that targeted gay officers and those perceived as gay.

Two current and one former Roseville police officers filed the civil rights lawsuit seeking unspecified monetary damages from the city and police department.

Plaintiffs in the suit, Roseville Police Department Investigations Supervisor Sgt. Darin DeFreece, Officer Ken Marler and former narcotics detective Michael Lackl argue that police management created the hostile work environment by allowing ongoing sexually discriminatory harassment.

The complaint alleges anti-gay and other discriminatory comments are used in everyday language and in official department briefings. Derogatory and obscene words are commonplace in the department, according to the lawsuit. The words are used in general or toward specific individuals, whether it be department officers, the general public or people the officers arrest.

The lawsuit describes one instance where an unnamed Roseville police captain announced during an open briefing with many employees that he chose the new gate code 1369 and that it meant, “unlucky (expletive)” with the number “13” meaning “unlucky” and the number “69” referring to oral copulation. The captain was colloquially referred to as “Captain 13-69.” The same captain allegedly assigned the same code to command staff telephonic voicemail, according to the complaint.

The lawsuit alleges Roseville Police Chief Mike Blair failed to stop and in some instances retaliated against those reporting harassment claims. It names Blair, Roseville Police Department Sgt. Kelby Newton and former City Manager Craig Robinson for not turning the department around after claims first surfaced in 2007.

According to the complaint, soon after a police scene technician complained about harassment based on sexual orientation the offenders were not disciplined and the technician was transferred to a low-profile assignment.

During a teambuilding event in July 2008, the Police Officers Association president informed supervisors that calling people “fags was undermining their team building efforts.”

Alleged anti-gay harassment popped up again after an undercover prostitution sting initiated by the Roseville Police Vice-Narcotics team. The first suspect in the sting was male, and Sgt. Darin DeFreece was able to secure the arrest by posing as a John.

Sgt. Kelby Newton heard about the successful arrest and allegedly told Officer Mike Lackl he must be jealous since DeFreece negotiated sex with another male. According to the complaint, Newton then made a comment to Lackl that he bet DeFreece was really good at getting the guy (male prostitute).

In a separate incident, Lackl informed Newton he had to call DeFreece on a work-related matter. According to the complaint, that's when Newton said, “Why didn't you just roll over and ask him this morning.”

The complaint alleges when Lackl spent time at Officer Ken Marler's house, Newton told Lackl that Marler, who is gay, enjoyed having a young man running around his house after being in the garden tub. Both DeFreece and Lackl are married to women.

After Lackl complained about harassment from Newton, he was reassigned by the police captain referred to as “Captain 13-69” from the vice-narcotics team to a low-profile job, even though he had excellent performance evaluations. According to the suit, the unnamed police captain told Lackl it would make things easier. Newton however was allegedly promoted and put on the fast track for further career moves. Lackl was later fired after an internal affairs investigation.

The lawsuit identifies a 2008 harassment training seminar for department employees but alleges harassment based on sexual orientation was left out of the training.

Megan McPherson, communication director for the City of Roseville, said the city has not been served with the lawsuit but issued a statement late Friday acknowledging the media reports.

“We are absolutely committed to treating all of our employees at every level of the organization with dignity and respect,” McPherson said. “We take complaints like that very seriously and we have policies and procedures in place, which we follow proactively and aggressively.”