

Ex-Cop Scores \$4.3M Jury Verdict In Gender Bias Suit

By **Grace Elletson**

Law360 (November 14, 2022, 6:07 PM EST) -- A jury awarded a former detective \$4.3 million in her suit brought against Watertown, Massachusetts, in state court alleging she was tormented by a "boys' club" Police Department and eventually pushed out of her job because of gender-based discrimination.

The verdict came down in favor of Kathleen E. Donohue, Watertown's first female detective, after two weeks at trial and two days of jury deliberations, finding that the city violated state discrimination and retaliation laws when it failed to adequately address her concerns of gender-related hostility and disparate treatment in the workplace.

Donohue first sued the city in May 2019. She said that she began working for its Police Department as a patrol officer in 1998 and from then on had to endure sexually charged comments, comments about her appearance and gendered comments about other women.

"The misconduct Det. Donohue endured over years and the studied indifference of the town to what occurred after she raised concerns is not only intentional but outrageous," she said in her complaint.

In 2002, she said, she was transferred to a detective division and became the first female detective in Watertown's history. She said she hoped the promotion would quell the hostility she faced on the job, but soon learned that would not be the case.

She said she continued to sustain sexist treatment. She said she was referred to as the "detective clerk" and given more administrative duties than male detectives. She said she was once assured by a male officer that a patrol car she was taking over from him had no issues but learned later that it was low on oxygen and was missing a rifle, dangerous deficiencies she said he dismissed with profanity.

Donohue said other male officers would make up false stories that they had sexual relationships with her. She said she tried to ignore this conduct by working hard and developing an expertise in investigating sexual violence and domestic dispute cases. She said she also became treasurer of the police association.



A Massachusetts state jury awarded \$4.3 million to a former detective who claimed Watertown failed to address her concerns of gender-related hostility and disparate treatment. (iStock)

But the hostile work environment persisted, she said. She said she confided with a lieutenant about the difficulties she was facing on the job. He then took advantage of her isolation and used the power of his position to force her into an intimate relationship, which lasted for years, according to her complaint.

Donohue said she also faced more hostility after critiquing the way other officers responded to the aftermath of the Boston bombing in 2013, when one of the suspects had made his way to a Watertown resident's backyard to hide in a boat. Donohue said she was one of the first officers on the scene and was almost struck by unauthorized gunfire by a fellow officer, which led to a spray of bullets after officers thought the suspect had fired at them.

Even after a report affirmed Donohue's critique of the response, she said, she still faced hostility for expressing concerns.

Over the years, she said, she was continually subjected to attacks on her work, and her authority and expertise were questioned. This treatment came to a head in 2016, when she said her supervisor publicly criticized her handling of an investigation through false allegations and gendered comments. When he waved her into his office, Donohue said, she asked if his request was an order, out of fear of being alone with him.

He didn't respond, so Donohue said she declined his request because it was not styled as an order. Donohue said she was then suspended for insubordination, when other male employees had not been suspended over much more severe verbal disputes with supervisors.

She said she requested injured-on-duty leave to address the distress she experienced from her work environment, but it was denied in January 2017. She said she could not return to her workplace without a promise that the gendered hostility she faced would be corrected, and hasn't returned since.

The jury found that the city had discriminated and retaliated against Donohue. It awarded her about \$2.7 million in damages for loss of compensation and benefits, about \$250,000 for emotional distress, \$375,000 for future emotional distress and \$1 million in punitive damages.

Ellen J. Zucker, who represents Donohue, told Law360 on Monday that the jury's verdict was "enormously gratifying."

"We hope that the outcome of this trial and the jury's decision to punish the town for its outrageous misconduct will serve as a wake-up to those who are charged with the equal enforcement of the law: It is time to get your own houses in order," Zucker said.

A Watertown official declined to comment.

Donohue is represented by Ellen J. Zucker, Laura Studen and Christopher Wurster of Burns & Levinson LLP.

Watertown is represented by Doug Louison and Bradford N. Louison of Louison Costello Condon & Pfaff LLP.

The case is Donohue v. Watertown et al., case number 19-1472, in Middlesex County Superior Court of Massachusetts.

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