

**IN THE SUPERIOR COURT  
OF THE DISTRICT OF COLUMBIA**

STEVE ANDELMAN )  
378 Cambridge Pl. )  
Prince Frederick, MD 20678 )

*Plaintiff,* )

v. )

DISTRICT OF COLUMBIA, )

CHIEF ROBERT CONTEE )  
In his individual and official )  
capacities )

ASST. CHIEF WILFREDO MANLAPAZ )  
In his individual and official )  
capacities )

CDR DUNCAN BEDLION )  
In his individual and official )  
capacities )

Serve: CARL RACINE )  
Office of the Attorney General )  
441 4<sup>th</sup> St. NW )  
Washington, DC 20001 )

*Defendants.* )

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Case No.:

**JURY TRIAL DEMANDED**

**COMPLAINT FOR DAMAGES AND INJUNCTIVE RELIEF**

Comes now Plaintiff, Captain Steve Andelman (hereinafter “Cpt. Andelman” or “Plaintiff”), by and through undersigned counsel, and states as follows:

## INTRODUCTION

Plaintiff is a Captain in the Metropolitan Police Department (hereinafter “MPD”), and has been employed with MPD for thirteen (13) years. On or about March 7, 2022, Plaintiff was serving in the role of watch commander, in which his duties were to coordinate and control the work of officers in the Second District (hereinafter “2D”) in which he is assigned. Officers in the field use their radios to communicate with a watch commander and obtain authority to engage in certain activities.

On the date in question, Plaintiff received a radio call from Officers Adam Smith (hereinafter “Officer Smith”), Evan Bassett (hereinafter “Officer Bassett”), Jessica Navarro (hereinafter “Officer Navarro”), Brian Murray (hereinafter “Officer Murray”), and Nicole Koenigsman (hereinafter “Officer Koenigsman”) who were following a vehicle they suspected was the get-away vehicle for an incident at a Georgetown opticians store. Cpt. Andelman had been aware of flash-mob type thefts in the Georgetown area before, and was listening to the reports of what was happening contemporaneously. Based on what he knew of the situation, and his knowledge of MPD General Orders, Plaintiff denied the authorization to engage in a vehicular pursuit of the suspects because he believed the incident involved a theft of property, not a robbery that involved violence, a weapon, or a threat of imminent danger to anyone, including the suspects. Absent such a threat of danger to the public, MPD policy does not permit a high speed vehicular pursuit to take place.

Almost immediately after he refused authorization for the officers following the vehicle to engage in the pursuit, Cpt. Andelman’s immediate superior, Defendant Duncan Bedlion (hereinafter “Cdr. Bedlion”) spoke over the radio to override Plaintiff’s determination, and authorized the high speed pursuit. The ensuing high-speed chase went through the District of

Columbia, into Virginia, and resulted in the vehicle of the suspects crashing and flipping over near the Spout Run exit to the George Washington Parkway, which shut down rush-hour traffic on one of the busiest routes into Northern Virginia from DC. The suspects in the vehicle sustained substantial injuries, and it is simply fortuitous that no other vehicles or pedestrians were involved.

Cpt. Andelman went to the scene of the accident, engaged with the officers there, and further confirmed that the suspects were not armed, and that there was a juvenile in the vehicle. When Cdr. Bedlion arrived on the scene, he ordered the sergeant who had his body worn camera (hereinafter “BWC”) on to walk away from the discussion amongst the group of detectives on scene, in order for the conversation not to be recorded.

After leaving the scene, Cpt. Andelman ordered an investigation of a suspected theft (hereinafter “ordered IS numbers”) as part of his official duties, which is standard practice for a watch commander. In asking for IS numbers based on a *theft* rather than a robbery, Cpt. Andelman tacitly and functionally contradicted Cdr. Bedlion’s authorization of the high speed pursuit. As Plaintiff continued executing his watch commander duties, Cdr. Bedlion called him and essentially told Plaintiff that Cdr. Bedlion planned circumvent MPD procedures, and planned to appoint his own preferred person to investigate the incident, rather than allowing IAD to assign an investigator.

Immediately thereafter, Cdr. Bedlion began retaliating against, and attacking Plaintiff, trying to bully and intimidate Plaintiff into silence, creating a hostile work environment for Plaintiff and taking actions to harm, humiliate and disparage Plaintiff. Cdr. Bedlion unilaterally changed Plaintiff’s work schedule, and then began disciplining Plaintiff without reason or basis. On or about March 10, 2022, at a meeting with other high ranking MPD officials, Cdr. Bedlion

openly humiliated, denigrated and disparaged Cpt. Andelman, attacking his credibility and fitness as a police officer, and threatening to “deal with” Plaintiff.

On or about March 16, 2022, Plaintiff wrote directly to Chief Robert Contee (hereinafter “Chief Contee”) and to Assistant Chief Wilfredo Manlapaz (hereinafter “Asst. Chief Manlapaz”), who is head of Internal Affairs Division (hereinafter “IAD”) to give them detailed information about what had transpired during the March 7, 2022, incident. Cpt. Andelman further requested of Chief Contee that he be transferred out of 2D, and removed from under the control of Cdr. Bedlion, to avoid being retaliated against by Cdr. Bedlion, or those he manages.

Within days of sending the email in which Plaintiff reported to senior management what he believed to be serious misjudgment, and an unlawful effort to hide evidence on the part of Cdr. Bedlion, Cdr. Bedlion again retaliated against Plaintiff. Cpt. Andelman had an appointment with the MPD Employee Assistance Program (hereinafter “EAP”) counselor to obtain assistance with his work-induced anxiety and stress. On or about March 17, 2022, Cdr. Bedlion called the EAP program and insisted that Plaintiff’s appointment be cancelled, and that Plaintiff be forced to return back to work without being able to see the counselor. EAP refused the unlawful and retaliatory request and immediately informed Cpt. Andelman of what Cdr. Bedlion had attempted to do.

Thereafter, Plaintiff took sick leave to manage his anxiety and stress symptoms at home. On or about March 18, 2022, Asst. Chief Manlapaz wrote to Plaintiff denying the request for a departmental transfer, which did not acknowledge in any way the retaliation that Cpt. Andelman was being subjected to by Cdr. Bedlion. On or about April 11, 2022, MPD issued a 14-day punitive suspension of Plaintiff for a minor infraction that had occurred in December of 2021, that was fundamentally unfair and disproportionate, and leveled against Plaintiff for the express purpose of harming him and dissuading others from supporting him, or from engaging in whistleblowing

activity of their own. In essence, MPD has unloaded the “Code Red” treatment of systematic and coordinated retaliation against Cpt. Andelman because he was unwilling to remain silent about potential police misconduct. If ever there was an example of how the “Blue Code of Silence” is enacted and perpetuated, this case reveals it.

Plaintiff files the instant Complaint alleging violation of the District of Columbia Whistleblower Protection Act (hereinafter “WPA”), D.C. Code § 1-615-51 *et seq.*, against MPD, as well as Chief Contee, Asst. Chief Manlapaz, and Cdr. Bedlion in their individual capacities, as well as negligence claims against Chief Contee and Asst. Chief Manlapaz, based on the creation of a hostile work environment, and a series of adverse actions enacted to retaliate against him for protected activity. He seeks injunctive relief to transfer him to a different unit, and to permanently enjoin MPD from retaliating against him for engaging in protected disclosures, as well as compensatory damages in the amount of not less than \$1,000,000.00 from MPD, and not less than \$100,000.00 from each individual Defendant.

### **PARTIES**

1. Plaintiff is a 52-year old MPD sworn officer who has been employed for thirteen (13) years. He is currently a Captain in the 2D. He is a Maryland resident.
2. Defendant MPD is a subdivision of the government of the District of Columbia.
3. Defendant Robert Contee is the Chief of Police, and is the senior-most executive of MPD.
4. Defendant Wilfredo Manlapaz is Assistant Chief of Police in charge of the Internal Affairs Bureau. IAD is a division within that bureau. Asst. Chief Manlapaz reports directly to Chief Contee.

5. Defendant Duncan Bedlion is the Commander and most senior manager of 2D. He reported to Assistant Chief Stuart Emerman (hereinafter “Asst. Chief Emerman”) until on or about April 8, 2022. He now reports to Assistant Chief Morgan Kane (hereinafter “Asst. Chief Kane”).

### **JURISDICTION AND VENUE**

6. This Honorable Court has jurisdiction over this matter because claims herein are brought pursuant to the laws of the District of Columbia, and because the amount in controversy exceeds the statutory requirement. This Court has jurisdiction over the non-resident defendants pursuant to the District of Columbia Long-Arm Statute, D.C. Code § 13-422, *et seq.* Venue properly lies within this Court because all records and evidence, and most relevant witnesses to the matters herein are located in the District of Columbia.

### **RELEVANT FACTS**

7. Plaintiff was first hired by MPD on or about February 2, 2009. He first served as a sworn officer in 2D. In April of 2014 he was promoted to Sergeant, and served in that role first in the Seventh District (hereinafter “7D”), and then the Fourth District (hereinafter “4D”).

8. Plaintiff was promoted to Lieutenant in September of 2019, and moved to the First District (hereinafter “1D”). In October of 2021 he was promoted again to Captain, and currently works in 2D again, where he reports directly to Cdr. Bedlion.

9. As part of his duties, he is required to serve as watch commander for his shift. The watch commander is the person responsible for assigning officers on the shift, controlling the movement of units and assets on the shift, ensuring officer safety as best as possible, and reporting to and

informing stakeholders of mishaps or incidents that occur. In 2D, they are always lieutenants or above in rank. Cpt. Andelman serves as watch commander on all of his shifts.

10. On or about March 7, 2022, Plaintiff was serving as watch commander when, at approximately 3:00 pm, a call came over the radio about a “flash mob” theft in progress at Georgetown Opticians, located at 1307 Wisconsin Ave., NW in Washington, DC. At this time of day, rush hour is beginning, and that part of Georgetown is congested with both foot and vehicular traffic.

11. A “flash mob” theft is when a group of several people enter the store at one time, and essentially overwhelm and confuse store security. They grab what they can and quickly exit the store before security can intervene with respect to any individual. While a “flash mob” can get violent, and can sometimes involve weapons, they are more frequently non-violent, and rely on the element of surprise and chaos to engage in theft of property. On information and belief, there have been several “flash mob” thefts in and around Georgetown in 2022.

12. Two MPD Lieutenant for the Civil Disturbance Unit, Lieutenant Michael Dae (hereinafter “Lt. Dae”) and Lieutenants Matthew Romeo (hereinafter “Lt. Romeo”) were in the vicinity when they got flagged down by a store associate stating that the theft had just occurred, and that they had a picture of the get-away vehicle. The Lieutenants were also approached by an Uber driver who had a purported picture of the suspects’ vehicle.

13. Lts. Dae and Romeo called in the incident over the radio, indicating that they were flagged down for a possible theft or robbery. At that time, 2D Sergeant John Geer (hereinafter “Sgt. Geer”) and Officer Joseph Campbell (hereinafter “Officer Campbell”) arrived on the scene and were briefed on what happened by Lts. Dae and Romeo.

14. Based on the radio traffic that Plaintiff was hearing, he went onto the radio to reach those on scene, and asked if them if it was a confirmed robbery. In order for the incident to have met a definition of a robbery, it had to have involved violence, a weapon, placing someone in immediate fear of harm, snatching an item away from a store clerk, holding people in the store hostage, preventing persons in the store from leaving, or forcing persons in the store to remain still.

15. Plaintiff made a first attempt to ascertain if the robbery was confirmed by asking the question over the radio, and he received no answer. Plaintiff attempted a second time to get confirmation of robbery with a gun, and again received no answer. Thus, at that time, Plaintiff, as watch commander, had not received confirmation of anything.

16. Shortly thereafter, Plaintiff heard units on the radio stating that they had found the suspects' vehicle and were following it. Cpt. Andelman knew that they would give chase unless he interceded, which he did, making clear that based on the limited information he had, *pursuit was not authorized*. Again, the only information that had been confirmed at the time was that the incident had occurred. There was no additional information to support that a robbery had taken place.

17. Within ~30 seconds of Cpt. Andelman's order not to pursue the vehicle, Cdr. Bedlion got on the radio and stated that he was overriding Cpt. Andelman's order, and was authorizing pursuit of the suspects' vehicle.

18. Once Cdr. Bedlion issued the order to pursue, the units following the suspects' vehicle accelerated in speed and pursued. Over the radio, the pursuing units made clear that the suspects' vehicle was traveling at a high rate of speed and had crossed into Virginia. Plaintiff was given the impression that the suspects were attempting to evade police.



19. Thereafter, it was reported that the vehicle pursuit had ended due to the suspects' vehicle rolling over on the GW Parkway in Virginia. Plaintiff then left the station to go to the accident scene to assist with management of the situation.

20. When Plaintiff arrived on scene, Cdr. Bedlion was already there and actively managing the scene. EMT were on the scene and taking care of the injured suspects. Cdr. Bedlion asked Plaintiff to call for a gun-search K-9 unit to search the vehicle and premises for a weapon. A preliminary visual search of the vehicle did not discover a weapon.

21. Plaintiff was only on the scene for seventeen (17) minutes before he was ordered off the scene by Cdr. Bedlion and told to return to 2D.

22. As he was leaving the scene, Plaintiff received a call from Sgt. Geer, who was the investigating sergeant at the store, with Detective Roberto Torres (hereinafter "Det. Torres"). Sgt. Geer informed Plaintiff that based on their investigation, there was no weapon used in the story, no injuries, no threat of imminent bodily harm and none of the other elements that would classify the incident as a robbery.

23. To verify the facts presented to him, Cpt. Andelman went to the store and met with the reporting officer, Officer Campbell, and the store associate. During that store visit, Cpt. Andelman reviewed several different angles of the video surveillance in the store. Based on that evidence, Cpt. Andelman called Sgt. Geer and Det. Torres directly, and discussed what he had seen on video. The three of them concurred that the flash mob was a theft, and did not meet the requirements of a robbery.

24. Right before Plaintiff left the store, he directed Officer Campbell to go over the radio and ask for report numbers (hereinafter "CCNs") to be logged for theft in the first degree, simple

assault, and use of an unauthorized vehicle. The dispatcher acknowledged and procured the CCNs for theft.

25. After Plaintiff left the store, he returned to the station, and wrote up the incident based on the information given to him by Sgt. Albert Cipolari (hereinafter “Sgt. Cipolari”), about the details of the pursuit and what took place at the accident scene. Plaintiff’s initial write-up did not include an analysis of whether the pursuit was justified. It only included the fact that authorization for the pursuit was given by Cdr. Bedlion.

26. During his effort to write up the incident, Plaintiff was informed by one of the officers who had returned the scene of the accident, that it should be written up as a robbery, rather than a theft, which contradicted what Cpt. Andelman knew and had discovered on the video at the store, and also contradicted what Sgt. Geer and Det. Torres had concluded.

27. Later that evening, Plaintiff spoke again to Sgt. Geer, Det. Torres, Sgt. Cipolari and Officer Campbell, who all agreed that the incident was being mislabeled as an unarmed robbery to justify the pursuit after the fact.

28. On or about March 8, 2022, when Plaintiff returned to the station for his next shift, Cdr. Bedlion called Plaintiff into his office, and asked Plaintiff why he did not call Cdr. Bedlion when Plaintiff was investigating at the store. Plaintiff responded that he had no reason to call Cdr. Bedlion at that time, and had no reason to believe there was a disagreement about the classification of the incident until well after he had left the store and began his write up. Moreover, Commanders are not responsible for classifying incidents. The watch commander or the investigating sergeant holds that responsibility, so there was no reason for Plaintiff to have called Cdr. Bedlion.

29. Upon information and belief, Cdr. Bedlion was told, or became aware of the fact that Cpt. Andelman had classified the incident as a theft-one. Plaintiff asserts that Cdr. Bedlion was upset and attempted to bully and intimidate Plaintiff because of the way he had classified the incident.

30. Later, Plaintiff learned that the arrest report for the suspects did not contain any allegations or elements of robbery, and the Detective's report also described the event as a theft.

31. Plaintiff also learned that one of the persons in the suspects' vehicle was a juvenile, and that the U.S. Park Police had returned the juvenile to Washington, DC before allowing the juvenile to appear before a judge in Virginia prior to extradition.

32. Furthermore, Plaintiff learned that when Sgt. Geer and Det. Torres arrived on the accident scene after his initial investigation at the store, Sgt. Geer was waved away from the huddle of the detectives on scene and Cdr. Bedlion because Sgt. Geer was wearing and operating a body worn camera. Sgt. Geer and Det. Torres were also the only person on scene at that time who knew that the incident did not qualify as a robbery, however, detectives do not wear BWCs.

33. On or about March 9, when Plaintiff returned to work for his next shift, Cdr. Bedlion was in pursuit of ways to attack him. Cdr. Bedlion called Plaintiff and Lieutenant Jon Pongratz (hereinafter "Lt. Pongratz"), a direct subordinate to Plaintiff, into Cdr. Bedlion's office, and started screaming at Plaintiff about having been a few minutes late to his shift on March 7.

34. Because of the traffic in and around the Nation's Capital, officers are at times a few minutes late to arrive to work. MPD policy and practice is for the officer to call in and let the watch commander on duty know about the tardiness, so that he or she can make adjustments to make sure the shift is properly covered.

35. Cpt. Andelman followed the practice and policy to the letter, having called in to say that he was going to be ten (10) minutes late. In actuality, he was only five (5) minutes late. There

was no staffing impact whatsoever because of this minor tardy, and in no way did Plaintiff have a record or pattern of tardiness.

36. Cdr. Bedlion not only humiliated and belittled Plaintiff in front of his subordinate Lieutenant for a minor infraction, but Cdr. Bedlion then threatened to dock Cpt. Andelman an hour's pay. While Cdr. Bedlion was not successful in doing so because of departmental policy, Plaintiff asserts that this was an attempt to bully and harass him, and was extremely distressing.

37. During the meeting, and in front of Lt. Pongratz, Cdr. Bedlion attacked Cpt. Andelman's skills as an officer, denigrated his performance and stated that Cpt. Andelman "know[s] nothing."

38. After Cdr. Bedlion dismissed Lt. Pongratz from the office, he further attacked and bullied Cpt. Andelman, threatening more discipline and saying, "why don't you resign," or words to that effect, to Cpt. Andelman.

39. Later during the shift, Cdr. Bedlion sent Cpt. Andelman an email demanding that he execute a list of tasks, above and beyond his watch commander duties. This list of time-consuming tasks was given only to Cpt. Andelman, and not divided across the team to make them more manageable. Cdr. Bedlion demanded that the tasks be completed before Cpt. Andelman left for the day, thus disrupting the smooth running of 2D on that day.

40. On or about March 10, Cdr. Bedlion again bullied and threatened Cpt. Andelman, by threatening to cancel Cpt. Andelman's scheduled day off unless Plaintiff immediately completed a burglary plan. It is against MPD general orders for a commander to unilaterally cancel a captain's day off, so this was a pointless threat.

41. Despite Cdr. Bedlion's attempt to bully and harass him, Cpt. Bedlion completed the burglary plan and submitted it, even though the unnecessary task took away from his time and attention to the legitimate work of 2D.

42. On or about March 10, during the weekly Thursday crime brief that takes place before Plaintiff's shift, Cdr. Bedlion held the weekly crime brief that was done virtually. The crime brief is typically held by all the management-level officers above the level of Captain.

43. During the March 10 crime briefing, Cdr. Bedlion accused Plaintiff of calling off a legitimate pursuit, attacked his credibility, reputation, work performance and stated that he planned to discipline Cpt. Andelman because of his actions that day.

44. On or about March 16, 2022, Plaintiff wrote a detailed letter to Chief Contee, Asst. Chief Manlapaz, and the District of Columbia Inspector General, Daniel Lucas (hereinafter "Mr. Lucas"), to report both the improper pursuit that took place on March 7, 2022, the apparent cover-up and misclassification of the incident, the extradition violation, and the bullying and retaliation by Cdr. Bedlion.

45. In his letter of March 16, 2022, Plaintiff specifically alleged that Cdr. Bedlion's authorization of the high speed vehicular pursuit violated MPD General Order 301.03, and that the subsequent actions of Cdr. Bedlion were dishonest. He further alleged that the extradition of the juvenile suspect out of Virginia to Washington, DC violated VA Code §19-2-79.

46. Due to workplace stress and anxiety, Plaintiff had been seeing a counselor in the MPD EAP program regularly. As a formality, it was his habit to email Cdr. Bedlion to let him know that he would be absent from his shift during that hour. Prior to March 17, 2022, Cdr. Bedlion had never expressed any reservation or concern about Plaintiff's EAP appointments, and had never intervened in them.

47. On or about March 17, 2022, Plaintiff informed Cdr. Bedlion about his EAP appointment the following day. To his surprise and dismay, in response, Cdr. Bedlion unilaterally changed his

work schedule without notice, and then disapproved the EAP appointment and demanded that Plaintiff reschedule it without reason or justification.

48. Later, Plaintiff learned that Cdr. Bedlion had actually called Dr. Beverly Anderson (hereinafter “Dr. Anderson”), the head of the EAP program, and demanded that Plaintiff’s EAP appointment be cancelled and that he be denied their services. Dr. Anderson declined the request, and informed Plaintiff’s counselor, Emily Green (hereinafter “Dr. Green”) of the disturbing and inappropriate call from Cdr. Bedlion, and asked that Dr. Green notify Plaintiff of the demand.

49. On or about March 18, 2022, Plaintiff received a responsive letter from Asst. Chief Manlapaz dismissing his concerns, and refusing Plaintiff’s request to be transferred away from Cdr. Bedlion.

50. On or about April 11, 2022, while on unpaid sick leave, Cdr. Bedlion delivered paperwork to Plaintiff’s home, giving him a 14-day disciplinary suspension related to an incident that took place in December of 2021, and for which the investigation was completed in January of 2022.

51. On that occasion, Plaintiff was watch commander on New Year’s Eve. Cdr. Bedlion sent him an email of people who had signed up for overtime. There was one name on the list, and three openings. The information was sent to the 2D admin office.

52. Inadvertently, Cpt. Andelman deleted the email. He had received the email 4 minutes before his shift was to begin, and did not see it until after roll call. His inadvertent deletion caused no staffing issues, conflicts or problems, and the New Year’s shift went so smoothly and so well, the team received an award for it.

53. There was no reason whatsoever to discipline Cpt. Andelman for the email deletion. At worst, he should have been counseled for it.

54. Instead, merely days after whistleblowing about Cdr. Bedlion's actions, Cpt. Andelman was suspended for *half a month* for accidentally deleting an email. Plaintiff asserts that the excessive and unjustified punishment is retaliatory in nature.

55. On or about April 12, 2022, Cdr. Bedlion issued another disciplinary action against Plaintiff for failing to turn in an assignment while he was on unpaid sick leave. Again, this disciplinary action violates MPD General Orders, and again is without justification. Cpt. Andelman is not required to conduct work for MPD when he is on unpaid leave.

56. The written reprimand issued on April 12, 2022, is another attempt by Cdr. Bedlion to bully, attack, harass and intimidate Cpt. Andelman.

57. Plaintiff continues to suffer severe stress, anxiety and depression from the retaliation he is enduring in 2D, and has also suffered from fatigue, nausea, digestive issues and other physical symptoms related to extreme stress. Plaintiff's symptoms have significantly worsened because of Cdr. Bedlion's bullying, targeting, denigration, and retaliatory conduct, including the attempt to deny Plaintiff EAP assistance and suspending Plaintiff for two weeks.

## **CLAIMS**

### **COUNT I**

#### **(Violation of District of Columbia Code § 1-615-51 *et seq.* (WPA) by Defendant MPD)**

58. Plaintiff reasserts and incorporates all allegations in the previous paragraphs as if fully restated herein.

59. On or about March 7, 2022, Plaintiff engaged in protected activity in the execution of his duties when he denied authorization of a high speed chase because there were insufficient facts to

justify one, and when he later characterized the incident at the Georgetown optical shop as a theft for investigative purposes.

60. Plaintiff also engaged in a protected disclosure when he wrote to the Chief of Police, the Assistant Chief for Internal Affairs, and the OIG stating that he believed that MPD policy had been violated by Cdr. Bedlion, which resulted in injuries and damage to property.

61. Cdr. Bedlion retaliated against Plaintiff by writing him up for a bevy of fictitious and bad-faith allegations of rules infractions after Plaintiff characterized the incident in Georgetown as a theft, and after Plaintiff inquired about steps Cdr. Bedlion took after the fact to reclassify the incident.

62. Cdr. Bedlion retaliated against Plaintiff by calling the EAP program director and demanding that Plaintiff be denied counseling services.

63. Cdr. Bedlion retaliated against Plaintiff by publicly humiliating him and disparaging him to other police officers, bullying and threatening Plaintiff, and creating a hostile work environment for Plaintiff.

64. Plaintiff asserts MPD has an affirmative duty to protect officers who engage in protected disclosures as part of their official duties, and who report potential misconduct from reprisal.

65. On or about March 16, 2022, Chief Contee was informed by Plaintiff that he suspected Cdr. Bedlion had engaged in misconduct and had engaged in an unlawful cover-up and misclassification of the March 7, 2022, hot pursuit that resulted in injuries and damage to property.

66. In the communication to Chief Contee, Plaintiff specifically stated that he feared retaliation from Cdr. Bedlion.

67. Therefore, MPD knew, or should have known, that Cdr. Bedlion was both positioned to retaliate against Plaintiff, and had expressed an intention to do so.



68. MPD failed to take any steps to protect Plaintiff from Cdr. Bedlion's retaliatory actions.

69. MPD allowed and enabled its agents to retaliate against Cpt. Andelman by suspending him for 14 days based on a frivolous and minor infraction, for which other officers are not disciplined.

70. As a direct and proximate cause of MPD's failure to take Plaintiff's protected disclosures and complaints of retaliation seriously, Plaintiff has been subjected to threats, bullying, harassment, public humiliation, damage to his reputation, and baseless discipline.

71. Cdr. Bedlion's treatment of Plaintiff in retaliation for his protected disclosures has caused Plaintiff severe mental stress, anxiety and depression, and has cause him to have to take sick leave without pay to manage the physical symptoms related to the harm that is being caused to him.

72. Plaintiff thus seeks compensatory damages from MPD in an amount not less than \$1,000,000.00.

## COUNT II

### **(Violation of District of Columbia Code § 1-615-51 *et seq.* (WPA) by Defendant Duncan Bedlion in his Individual Capacity)**

73. Plaintiff reasserts and incorporates all allegations in the previous paragraphs as if fully restated herein.

74. Plaintiff asserts that his initial actions related to the March 7, 2022, incident, treating it as a theft rather than a robbery, was a protected execution of his duties as defined by D.C. Code § 1-615-51 *et seq.*

75. Cdr. Bedlion knew, or was informed of Plaintiff's protected activity on or before March 8, 2022, when he called Plaintiff into his office to chastise Plaintiff for not calling Cdr. Bedlion when he was writing up the incident, and complaining to Plaintiff about his assertion that the incident was a "flash mob" theft.

76. In a large group meeting, Cdr. Bedlion expressed his anger and displeasure at Cpt. Andelman for truthfully executing his duties, which constituted a protected disclosure. Cdr. Bedlion indicated that he planned on disciplining Plaintiff because of his protected disclosure.
77. On or about March 10, 2022, Cdr. Bedlion issued a letter of counseling to Plaintiff to chastise him about his protected disclosure.
78. On or about March 16, 2022, Plaintiff engaged in a protected disclosure by sending a written communication to Chief Contee, Asst. Chief Manlapaz and OIG reporting what he believed to be misconduct on the part of Cdr. Bedlion.
79. On information and belief, Cdr. Bedlion was informed of the letter that was sent by Plaintiff and took steps to immediately retaliate against Plaintiff.
80. On or about March 17, 2022, Cdr. Bedlion unilaterally changed Plaintiff's work schedule without notice.
81. Plaintiff asserts that the unilateral change in schedule constituted an adverse employment action.
82. On or about March 17, 2022, Cdr. Bedlion retaliated against Plaintiff by calling Plaintiff's EAP mental health care provider, and demanding that they cancel Plaintiff's counseling appointment.
83. Plaintiff asserts that Cdr. Bedlion attempting to cancel Plaintiff's ability to obtain mental health counseling was a violation of his HIPPA rights and constituted an adverse employment action.
84. Plaintiff asserts that Cdr. Bedlion's issuance of a 14-day suspension for a minor inadvertent infraction constitutes excess and unfair discipline, and is another act of blatant retaliation against him for engaging in a protected disclosure.

85. Plaintiff asserts that the chastisement, bullying, harassment, public humiliation and denigration, frivolous write-ups he was subjected to by Cdr. Bedlion created a hostile work environment, and that such hostile work environment was created as a form of retaliation for engaging in protected disclosures.

86. As a direct and proximate cause of the retaliation Cdr. Bedlion has leveled against Plaintiff, Plaintiff has suffered severe stress, anxiety and depression, and has suffered from fatigue, nausea, digestive issues and other physical symptoms related to extreme stress.

87. In compensation for the mental anguish and suffering he has been subjected to, Plaintiff thus seeks compensatory damages from Cdr. Bedlion in an amount not less than \$100,000.00.

### **COUNT III**

#### **(Violation of District of Columbia Code § 1-615-51 *et seq.* (WPA) by Defendant Robert Contee in his Individual Capacity)**

88. Plaintiff reasserts and incorporates all allegations in the previous paragraphs as if fully restated herein.

89. Plaintiff asserts Chief Contee has an affirmative duty to protect officers who engage in protected disclosures from being retaliated against for doing so.

90. On or about March 16, 2022, Chief Contee was informed by Plaintiff that he suspected Cdr. Bedlion had engaged in misconduct and an unlawful cover-up and misclassification of the March 7, 2022, hot pursuit that resulted in injuries and damage to property.

91. In the communication to Chief Contee, Plaintiff specifically stated that he feared retaliation from Cdr. Bedlion.

92. Chief Contee knew or should have known, that Cdr. Bedlion was both positioned to retaliate against Plaintiff, and had expressed an intention to do so.

93. Chief Contee failed to take any steps to protect Plaintiff from Cdr. Bedlion's retaliatory actions.

94. As a direct and proximate cause of Chief Contee's refusal to take Plaintiff's protected disclosures seriously, Plaintiff has been subjected to threats, bullying, harassing, public humiliation, damage to his reputation, and excessive trumped-up discipline.

95. Chief Contee's failure to intervene with respect to Cdr. Bedlion's treatment of Plaintiff in retaliation for his protected disclosures has caused Plaintiff severe mental stress, anxiety and depression, and has cause him to have to take sick leave to manage the physical symptoms related to the harm that is being caused to him.

96. Chief Contee's callous disregard for Plaintiff's wellbeing, and his refusal to intercede to prevent retaliation against Plaintiff, makes Chief Contee individually culpable and liable for the retaliation, in accordance with the WPA.

97. Plaintiff thus seeks compensatory damages from Chief Contee in an amount not less than \$50,000.00.

#### **COUNT IV**

##### **(Negligence by Defendant Robert Contee in his Individual Capacity)**

98. Plaintiff reasserts and incorporates all allegations in the previous paragraphs as if fully restated herein.

99. Plaintiff asserts that, by virtue of his role at MPD, Chief Contee owed a special duty of care to Plaintiff in ensuring that Plaintiff not be subjected to harm as a result of the actions of Chief Contee's subordinates and direct reports.

100. When Plaintiff informed Chief Contee of potential general orders violations, and violation of applicable law by Cdr. Bedlion, Plaintiff put Chief Contee on notice that Plaintiff could be retaliated against by Cdr. Bedlion.

101. When Chief Contee became aware that Plaintiff had engaged in a protected disclosure, he owed Plaintiff a duty of care to ensure that he was not harmed by retaliation launched by Cdr. Bedlion.

102. Plaintiff's letter to Chief Contee specifically outlined his fear of retaliation, and further ensured that Chief Contee knew or should have known of the risk Plaintiff faced in coming forward.

103. Another chief of police, in the same or similar circumstances, would have taken steps to protect a whistleblower like Plaintiff, or to ensure that his or her subordinates did not engage in retaliation.

104. Another chief of police, in the same or similar circumstances, would have taken action to ensure his or her subordinates did not publicly humiliate, attack, denigrate or defame a whistleblower.

105. Chief Contee took no action whatsoever to protect Plaintiff from retaliation, bullying, harassment, humiliation, attacks on his character, unlawful intervention in his health care and other retaliatory acts.

106. As a direct result of Chief Contee's negligence, and failure to intercede and take action to prohibit the retaliation against Plaintiff, Chief Contee breached his duty to Plaintiff.

107. As a direct and proximate cause of Chief Contee's negligence, Plaintiff has suffered severe mental stress and anxiety, and pain and suffering from physical symptoms related thereto.

108. Plaintiff now seeks compensatory damages in an amount of not less than \$50,000.00.

## COUNT V

### **(Violation of District of Columbia Code § 1-615-51 *et seq.* (WPA) by Defendant Wilfredo Manlapaz in his Individual Capacity)**

109. Plaintiff reasserts and incorporates all allegations in the previous paragraphs as if fully restated herein.

110. Plaintiff asserts Asst. Chief Manlapaz has an affirmative duty to protect officers who engage in protected disclosures from being retaliated against for doing so.

111. On or about March 16, 2022, Asst. Chief Manlapaz was informed by Plaintiff that Plaintiff suspected Cdr. Bedlion had engaged in misconduct and an unlawful cover-up and misclassification of the March 7, 2022, hot pursuit that resulted in injuries and damage to property.

112. In the communication to Asst. Chief Manlapaz, Plaintiff specifically stated that he feared retaliation from Cdr. Bedlion.

113. Asst. Chief Manlapaz knew, or should have known, that Cdr. Bedlion was both positioned to retaliate against Plaintiff, and had expressed an intention to do so.

114. Asst. Chief Manlapaz failed to take any steps to protect Plaintiff from Cdr. Bedlion's retaliatory actions.

115. As a direct and proximate cause of Asst. Chief Manlapaz's refusal to take Plaintiff's protected disclosures seriously, Plaintiff has been subjected to threats, bullying, harassing, public humiliation, damage to his reputation, and trumped-up discipline.

116. Because of Asst. Chief Manlapaz's failure to intervene, Cdr. Bedlion's treatment of Plaintiff in retaliation for his protected disclosures has caused Plaintiff severe mental stress,

anxiety and depression, and has cause him to have to take sick leave to manage the physical symptoms related to the harm that is being caused to him.

117. Asst. Chief Manlapaz's callous disregard for Plaintiff's wellbeing, and his refusal to intercede to prevent retaliation against Plaintiff, makes Asst. Chief Manlapaz individually culpable and liable for the retaliation, in accordance with the WPA.

118. Plaintiff thus seeks compensatory damages from Chief Contee in an amount not less than \$50,000.00.

## **COUNT VI**

### **(Negligence by Defendant Wilfredo Manlapaz in his Individual Capacity)**

119. Plaintiff reasserts and incorporates all allegations in the previous paragraphs as if fully restated herein.

120. Plaintiff asserts that, by virtue of his role at MPD, Asst. Chief Manlapaz owed a special duty of care to Plaintiff in ensuring that Plaintiff not be subjected to harm as a result of the actions of Chief Contee's subordinates and direct reports.

121. When Plaintiff informed Asst. Chief Manlapaz of potential general orders violations, and violation of applicable law by Cdr. Bedlion, Plaintiff put Asst. Chief Manlapaz on notice that Plaintiff could be retaliated against by Cdr. Bedlion.

122. When Asst. Chief Manlapaz became aware that Plaintiff had engaged in a protected disclosure, he owed Plaintiff a duty of care to ensure that Plaintiff was not harmed by retaliation launched by Cdr. Bedlion.

123. Plaintiff's letter to Asst. Chief Manlapaz specifically outlined his fear of retaliation, and further ensured that Asst. Chief Manlapaz knew or should have known of the risk Plaintiff faced in coming forward.

124. The average assistant chief of police, in the same or similar circumstances, would have taken steps to protect a whistleblower like Plaintiff, or to ensure that his or her subordinates did not engage in retaliation.

125. The average assistant chief of police, in the same or similar circumstances, would have taken action to ensure his or her subordinates did not publicly humiliate, attack, denigrate or defame a whistleblower.

126. Asst. Chief Manlapaz took no action whatsoever to protect Plaintiff from retaliation, bullying, harassment, humiliation, attacks on his character, unlawful intervention in his health care and other retaliatory acts.

127. As a direct result of Asst. Chief Manlapaz's negligence, and failure to intercede and take action to prohibit the retaliation against Plaintiff, Asst. Chief Manlapaz breached his duty to Plaintiff.

128. As a direct and proximate cause of Asst. Chief Manlapaz's negligence, Plaintiff has suffered severe mental stress and anxiety, and pain and suffering from physical symptoms related thereto.

129. Plaintiff now seeks compensatory damages in an amount of not less than \$50,000.00.

#### **PRAYER FOR INJUNCTIVE RELIEF**

130. Plaintiff further asks this Court for injunctive relief in the form of an ORDER mandating that he be transferred to a different unit and no longer report to Cdr. Bedlion, an ORDER



mandating that Cdr. Bedlion cease and desist from retaliating against Plaintiff, and an ORDER mandating that Chief Contee and Asst. Chief Manlapaz take any and all measures deemed appropriate by the Court to ensure that Plaintiff is not retaliated against in the future.

**JURY DEMAND**

131. Plaintiff demands trial by jury of all claims that can be so tried.

Respectfully submitted,

/s/Pamela M. Keith  
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