

COYLE & MORRIS LLP
201 Littleton Road, Suite 210
Morris Plains, NJ 07950
(973) 370-0945
John D. Coyle 029632001
Attorneys for Plaintiff

CHIAN WEEKES-RIVERA,

Plaintiff,

v.

TOWNSHIP OF MAPLEWOOD and
PETER KUENZEL

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: ESSEX COUNTY
DOCKET NO.: ESX-L-

CIVIL ACTION

COMPLAINT WITH JURY DEMAND

1. The exceptional nature of Black hair goes beyond just cultural differences. Black hair is an expression of identity and culture. It's a representation of history and carries deep emotional significance.

2. The impact of hair discrimination cannot be overstated. Schools and workplaces across the country often have dress codes and grooming policies in place prohibiting natural hairstyles like afros, braids, Bantu knots, and locs.¹

3. Hair discrimination is an undue burden that polices Black identity and upholds white supremacy. Black people often risk facing consequences at school or work for their natural hair or must invest time and money to conform to Eurocentric professionalism and beauty standards.

4. When Governor Murphy signed the groundbreaking Create a Respectful and Open World for Natural Hair ("CROWN") Act, it was designed to send an unambiguous message, "Race-based discrimination will not be tolerated in the State of New Jersey."²

¹ <https://www.naacpldf.org/crown-act/>

² <https://www.nj.gov/governor/news/news/562019/20191219c.shtml>

5. The CROWN Act was signed exactly one year to the day after Andrew Johnson, an African-American high school wrestler at Buena Regional High School, was forced to cut off his dreadlocks in order to compete in a match on December 19, 2018.

6. Marking the anniversary of this travesty, Governor Murphy stated “No one should be made to feel uncomfortable or be discriminated against because of their natural hair. I am proud to sign this law in order to help ensure that all New Jersey residents can go to work, school, or participate in athletic events with dignity.”

7. Support for this legislation was overwhelming. United States Senator Cory Booker applauded the CROWN Act, “Discrimination against black hair is discrimination against black people and no one should be denied a job, an education, or face discrimination because of their hairstyle.”

8. Director of the New Jersey Division of Civil Rights Rachel Wainer Apter added “Race discrimination includes discrimination based on traits inextricably intertwined or closely associated with race, including hairstyle.”

9. Director Apter added, the CROWN Act updates the “Law Against Discrimination” to clarify that prohibited race discrimination includes discrimination on the basis of “traits historically associated with race, including, but not limited to, hair texture, hair type, and protective hairstyles.”

10. As defined in the bill, the term “protective hairstyles” includes, but is not limited to, “such hairstyles as braids, locks, and twists.” This change is intended to remove any confusion or ambiguity over the scope of the Law Against Discrimination and its applicability to race discrimination predicated on such traits.

11. New Jersey Senate sponsor Sandra B. Cunningham proudly stated “I am proud to see

New Jersey become just the third state in the nation to put an end to this discriminatory practice. This law will ensure people of color are free to wear their hair however they feel best represents them, whether that be locks, braids, twists or curls. No one should ever be told it is ‘unprofessional’ to embrace their culture. It is unacceptable that someone could be dismissed from school or denied employment because they wear their hair exactly how it grows, but that has been the reality for many black and brown individuals. Today, here in New Jersey, we've changed that.”

12. Somehow, despite all these unambiguous statements of support for natural hair, the Maplewood Police Department (“MPD”) somehow believes the law does not apply to its employees.

13. Plaintiff Officer Chian Weekes-Rivera (“Plaintiff” or “Officer Weekes-Rivera”) has served as a police officer for the Township of Maplewood (“Maplewood”) for over ten (10) years. She has shown unwavering dedication to the citizens of Maplewood and the MPD throughout her tenure.

14. Despite her service to her department and community, Maplewood, by and through the MPD, and as aided and abetted by MPD Captain Peter Kuenzel has targeted Officer Weekes-Rivera and subjected her to discipline as a result of her race and ethnicity.

15. As if targeting Ms. Weekes-Rivera alone wasn’t discriminatory enough, Defendants doubled down and reprimanded two Sergeants for “failure to supervise” because they refused to discipline Officer Weekes-Rivera for having Black hair.

16. One would think that Maplewood which has Officer Weekes-Rivera featured on the

cover of online and print guides showing the “SHEroes” of Diversity³, would not then turn around and discipline her for celebrating exactly the same diversity and cultural expression through her hair.

17. Defendant have made a mockery of the powerful and moving promises from Governor Murphy, U.S. Senator Cory Booker, New Jersey Senator Sandra B. Cunningham, and Director Rachel Wainer, and must be held accountable for knowing, willful, and blatant violations of the CROWN Act.

18. This action seeks compensatory damages and injunctive relief for Plaintiff and all others similarly situated under the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 to -49 (“NJLAD”)

PARTIES AND JURISDICTION

19. Defendant Maplewood is a municipal entity with a principal address of 574 Valley St., Maplewood Township, NJ 07040 in the County of Essex.

20. Maplewood Police Department is a law enforcement agency that serves the Township of Maplewood in Essex County, New Jersey.

21. Defendant Peter Kuenzel is a Captain at the Maplewood Police Department. Defendant Kuenzel was employed by the Maplewood Police Department at the time the events described herein took place. This claim is brought against Defendant Kuenzel in his individual capacity and as an agent of the MPD at the time of his employment.

22. Plaintiff Chian Weekes-Rivera is a police officer with the Maplewood Police Department. She works for the MPD in Maplewood, where she proudly protects and serves the

³ <https://www.maplewoodartsandculture.org/news/2021/3/11/the-sheroes-of-maplewood-and-south-orange>

residents of Maplewood, in the County of Essex.

23. This claim is properly venued in the Superior Court of New Jersey, Essex County because the acts of discrimination alleged in this claim took place in the County of Essex.

FACTUAL HISTORY

24. On August 20, 2023 Officer Weekes-Rivera arrived to work with her hair styled in Bantu knots.

25. Bantu knots are a traditional African hairstyle that is often worn as a protective hairstyle and has a longstanding tradition in Black and African culture.

26. On August 31, 2023, Officer Weekes-Rivera was notified of an Internal Affairs Complaint regarding her “violation” of Maplewood R&R 4.7.2 Manner of Dress on Duty. (Attached as Exhibit A).

27. Not only was Officer Weekes-Rivera written up for the styling of her hair in Bantu Knots, but her supervising Sergeants were disciplined for “failure to supervise” when they decidedly refused to discriminate against Officer Weekes-Rivera for her hairstyle.

28. On September 29, 2023 Defendant Kuenzel informed the disciplined Sergeants that the Internal Affairs Unit of the MPD sustained the charge of “failure to supervise.”

COUNT I:

VIOLATION OF NJLAD

29. Plaintiff repeats and realleges the allegations contained in the prior sections as if fully set forth herein.

30. The NJLAD makes it unlawful for an employer to discriminate against employees on the basis of race.

31. The CROWN Act amended the NJLAD to clarify that the NJLAD prohibits racial

discrimination against an individual based on hair, texture, or protective styles worn in the workplace or in educational settings.

32. Maplewood subjected Officer Weekes-Rivera to disciplinary action for having Black hair in violation of the NJLAD.

33. Defendant Kuenzel aided and abetted Maplewood's discriminatory policies, enforced by the MPD, by subjecting Officer Weekes-Rivera and her supervising Sergeants to disciplinary action as a result of her hairstyle.

34. Officer Weekes-Rivera was subject to discrimination, embarrassment, shame, and a loss of dignity as a result of Defendants' discrimination.

35. As a result, Plaintiff was damaged.

WHEREFORE: Plaintiff demand entry of a judgment awarding:

- a. Compensatory damages;
- b. Punitive damages;
- c. Attorneys' fees and costs of suit; and
- d. Such other relief as the Court may deem proper and just.

COUNT II:

DECLARATORY JUDGMENT

36. Plaintiff repeats and realleges the allegations contained in the prior sections as if fully set forth herein.

37. LAD provided for injunctive relief to prevent future violations.

38. Plaintiff is legally entitled to a declaratory judgment that Maplewood and Kuenzel violated the LAD and that an injunction should issue requiring Maplewood and Kuenzel to comply with

the LAD regarding religious exemptions and accommodations.

WHEREFORE: Plaintiff demand entry of a judgment awarding:

- a. Injunctive relief as set forth herein;
- b. Attorneys' fees and costs of suit; and
- c. Such other relief as the Court may deem proper and just.

DEMAND FOR PRODUCTION OF DOCUMENTS

Pursuant to Rule 4:18-1, Plaintiff serves the following requests for the production of documents with this Complaint. Responses are due within the time calculated in Rule 4:18-1(b)(2), 50 days after service of the summons and complaint:

- 1 Produce a copy of all policies, procedures, and/or guidelines for MPD officers' hair styling.
- 2 Produce a copy of all documents relating in any way to formal or informal complaints regarding Officer Weeks-Rivera's hair.
- 3 Produce a copy of all correspondence, including without limitation, email, texts, letters, including all electronic and written document, regarding Officer Weeks-Rivera's hair.
- 4 Produce a copy of all documents referenced in your Answers to Interrogatories.

DEMAND FOR ANSWERS TO INTERROGATORIES

Pursuant to Rule 4:17-1, Plaintiff serves the following requests for answers to interrogatories with this Complaint. Responses are due within the time calculated in Rule 4:17-4(b), 60 days after service of the summons and complaint:

- 1 Identify all current and/or former employees of Maplewood who received any formal or informal disciplinary warnings or actions regarding their hair.

- 2 For each person identified in response to Interrogatory 1, set forth: 1) the date of the disciplinary action; 2) the basis for the disciplinary action; 3) the race and ethnicity of the person; 4) the outcome of the disciplinary action; and 5) produce a copy of all documents regarding the disciplinary action.

DESIGNATION OF TRIAL COUNSEL

Pursuant to R. 4:25-4, John D. Coyle is hereby designated trial counsel.

JURY DEMAND

Plaintiffs hereby demands a trial by jury of all issues so triable.

RULE 4:5-1 CERTIFICATION

I hereby certify that the claims raised herein are not the subject of any other action or arbitration. Plaintiff is not aware of any other party who should be joined to this action pursuant to R. 4:28 or who is subject to joinder pursuant to R. 4:29-1(b) because of potential liability to any party on the basis of the same transactional facts.

R. 4:5-1(b)(3) CERTIFICATION

I certify that confidential personal identifiers have been redacted from documents now submitted to the court and will be redacted from all documents submitted in the future in accordance with R. 1:38-7(b).

Dated: October 30, 2023

Attorneys for Plaintiff

By: s/ John D. Coyle

COYLE & MORRIS LLP

John D. Coyle, Esq. (0296362001)

201 Littleton Road, Suite 210

Morris Plains, NJ 07950

Tel. (973) 370-0592

jcoyle@coylemorris.com

Exhibit A



TOWNSHIP OF MAPLEWOOD POLICE DEPARTMENT

Administrative Investigations Only

1. I am being questioned as a subject of an investigation by this agency into potential violations of department rules and regulations, or for my fitness for duty. This investigation concerns

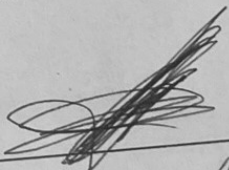
Your Violation of Maplewood R&R 4.7.2 Manner of Dress on Duty on Sunday 8/20/23, 8/21/23, 8/22/23, & 8/23/23.

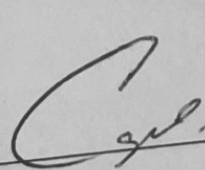
2. This is an administrative investigation. I will be asked questions specifically, narrowly and directly related to the performance of my duties, or for not answering truthfully.

3. I may be subject to departmental discipline for refusing to answer a question directly related to the performance of my duties, or for not answering truthfully.

4. I have the right to consult with a representative of my collective bargaining unit, or another representative of my choice, and have him or her present during the interview.

5. I acknowledge that this investigation is confidential, and I am hereby ordered not to disclose any information discussed during this interview.

Signature: 
Print Name: C. Walker-Rivera
Date: 8/23/23 Time: _____

Witnessed by: 
Print name: Capt. R. Kozaczyc



TOWNSHIP OF MAPLEWOOD POLICE DEPARTMENT

Internal Affairs Complaint Notification

To: P/O Chian Weekes-Rivera

Badge No. #388

You are hereby notified that an internal affairs complaint has been made against you.

This complaint involves an allegation of: Your Violation of Maplewood R&R 4.7.2 Manner of Dress on Duty on Sunday 8/20/23, 8/21/23, 8/22/23, & 8/23/23.

You will be contacted by the investigator if you will be needed for an interview or to render any other assistance to the investigation.

Signature

C. Weekes-Rivera

Print Name

8/31/23

Date