

NEWS

Ex-Rincon police officer sues department, alleges boss racially discriminated against him

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A former Rincon police officer is suing the city and his former boss and is alleging he was racially discriminated against when he was fired, according to a lawsuit filed in federal court earlier this month.

Through his attorney, Jose Ramirez alleges his race was a factor when he was targeted by former Rincon police Chief Mark Gerbino and ultimately fired by him.

Ramirez, who is from Puerto Rico, was the only Hispanic employee at the time of his employment, his attorney Rachel Berlin Benjamin told the Savannah Morning News. Gerbino is Italian, according to the lawsuit.

“We believe he was targeted because of his race and national origin. A lot of the reasons that were cited for his termination are just simply pretextual,” Benjamin said. “Once we go through the discovery process, we may find out more information about other minority officers. There are not many, unfortunately, but there were two African-American police officers at the time that were also working under Gerbino. We may discover evidence that they were also targeted.”

The racial makeup of the city at that time was 74.9% white, 17.9% Black and 7.3% Hispanic and/or Latino, according to data from the U.S. Census Bureau.

More: Rincon PD's Ramirez fired for 'insubordination, dishonesty and dismal performance'

“Statements by Ramirez about the former police chief and the city are misleading and inaccurate and TV interviews by his Atlanta-based legal team are nothing more than a political effort to influence the decision of the case before the facts are presented,” according to a statement released on behalf of the City of Rincon.

“I am disappointed in the vitriolic and false statements by Ramirez and his attorney, but not surprised,” Gerbino said in a separate statement. “Unfortunately it will be litigated. I do not have a problem with my honor and integrity. I have never been discriminatory in my whole life.”

In January 2019, Ramirez was second in command at the Rincon Police Department and was fired for alleged repeated acts of insubordination, dishonesty and his dismal performance, the Savannah Morning News reported at the time.

Ramirez unsuccessfully appealed his firing. He later filed a complaint with the Equal Employment Opportunity Commission and received a Notice of Rights to Sue for his claims under Title VII.

The city maintains EEOC “conducted a full and exhaustive investigation, and did not conclude that there was discrimination” involved in his firing.

Gerbino resigned in September 2019 “for personal reasons and to pursue other opportunities.” He is now the assistant chief of police at Davidson College in North Carolina.

Benjamin said Ramirez has found employment elsewhere but declined to say where. His LinkedIn profile indicates he’s currently working as an instructor with the Georgia Public Safety Training Center.

“His name was sort of dragged through the mud during the termination and the unfair appeal hearing that we had,” Benjamin said. “This is an effort to clear his name, but also give him some justice since he was wrongfully terminated.”

The 25-page lawsuit alleges Gerbino has an abusive workplace history dating back to 2008 when he worked for the Savannah Police Department. It also claims Gerbino was accused of racial discrimination by at least two employees when he was with Savannah police. In those instances, the races of the accused were Asian and Latino.

Benjamin said Gerbino targeted Ramirez specifically.

“He tried to write up our client for eating a protein bar at a meeting,” she said. “It was not ultimately approved. But that's just an example of the petty things that he was being targeted for.”

In the lawsuit, Ramirez alleges Gerbino “was out to get him” and would contact potential employers and disparage him.

Benjamin said at the time of his firing her client was well-liked and respected and had moved up the ranks at the police department before he was asked to be interim police chief.

“He had a great reputation with the community, and prided himself on his reputation, and his ethics and his morals as a police officer, and member of the Rincon police department,” she said. “So, it was devastating when he was fired for bogus reasons.”

Ramirez is asking for back pay, lost benefits, compensatory and punitive damages, and attorney’s fees.

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