

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,

Plaintiff,

v.

POLICIA DE PUERTO RICO,

Defendant.

Civil Action No. 08- 1264 (sec)

JURY DEMAND

COMPLAINT

Plaintiff, the United States of America, alleges:

1. This action is brought on behalf of the United States to enforce the provisions of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, et seq. ("Title VII").
2. The Court has jurisdiction over this action under 42 U.S.C. § 2000e-5(f) and 28 U.S.C. § 1345.
3. Defendant Policía de Puerto Rico ("Puerto Rico Police Department" or "PRPD") is a governmental agency created pursuant to the laws of the Commonwealth of Puerto Rico.
4. Defendant Puerto Rico Police Department is a person within the meaning of 42 U.S.C. § 2000e(a), and an employer within the meaning of 42 U.S.C. § 2000e(b).
5. Defendant PRPD has discriminated against Jeanette Caraballo López ("Caraballo"), a female sworn officer employed by the PRPD, on the basis of her sex in violation of Section 703(a) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-2(a), among other ways, by:

RECEIVED & FILED
2008 MAR -3 PM 3:07
CLERK'S OFFICE
U.S. DISTRICT COURT
SAN JUAN, P.R.

- (a) creating or maintaining a hostile work environment based on sex that adversely affected the terms, conditions, and privileges of Caraballo's employment among other ways by:
 - (i) requiring Caraballo and another female officer or officers to perform secretarial tasks, but not requiring male officers to perform such tasks, and
 - (ii) subjecting Caraballo and another female officer or officers to sexually discriminatory comments, such as the División de Investigación de Vehículos Hurtados ("Division of Investigation of Stolen Vehicles") "is not for females," or words to that effect; and
- (b) failing or refusing to take appropriate action to remedy the effects of the discriminatory treatment.

6. Defendant PRPD has retaliated against Caraballo in violation of Section 704(a) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-3(a), because Caraballo opposed employment practices that she reasonably believed to be unlawful under Title VII, and because she filed a charge under Title VII, among other ways, by:

- (a) subjecting her to incorrect and unfounded accusations regarding her conduct and her performance as a police officer;
- (b) transferring her out of its Division of Investigation of Stolen Vehicles, taking away from her the title and associated position of "Agent Investigator," and substantially reducing her duties and responsibilities from conducting sensitive and confidential criminal investigations to performing clerical tasks; and

- (c) failing or refusing to take appropriate action to remedy the effects of the retaliatory treatment.

7. Defendant PRPD has retaliated against Manuel Bonilla Carrasquillo (“Bonilla”), a sworn officer employed at all times relevant by the PRPD, in violation of Section 704(a) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-3(a), because he opposed employment practices that he reasonably believed to be unlawful under Title VII, among other ways, by:

- (a) subjecting him to incorrect and unfounded accusations regarding his conduct and his performance as a police officer;
- (b) transferring him out of its Division of Investigation of Stolen Vehicles, taking away from him the title and associated position of “Agent Investigator,” and substantially reducing his duties and responsibilities from conducting sensitive and confidential criminal investigations to performing clerical tasks; and
- (c) failing or refusing to take appropriate action to remedy the effects of the retaliatory treatment.

8. The Equal Employment Opportunity Commission (“EEOC”) received a timely charge of discrimination filed by Caraballo (Charge No. 162-2005-00204), in which she alleged that Defendant PRPD discriminated against her on the basis of her sex, and retaliated against her because she opposed its discriminatory treatment.

9. The EEOC received a timely charge of discrimination filed by Bonilla (Charge No. 515-2006-00019), in which he alleged that Defendant PRPD retaliated against him because he opposed its discriminatory treatment of Caraballo and another female officer.

10. Pursuant to Section 706 of Title VII, 42 U.S.C. § 2000e-5, the EEOC investigated the charge of sex discrimination and retaliation Caraballo filed, as well as the charge of retaliation Bonilla filed, and found reasonable cause to believe that violations of Title VII had occurred. The EEOC attempted unsuccessfully to achieve a voluntary resolution of the charges through conciliation, and subsequently referred the charges to the United States Department of Justice.

11. All conditions precedent to filing suit have been performed or have occurred.

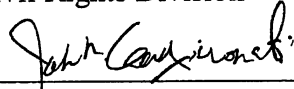
WHEREFORE, the United States prays that the Court grant the following relief:


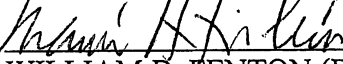
- (a) Enjoin Defendant PRPD from failing or refusing to:
 - (i) provide remedial relief sufficient to make whole charging parties Caraballo and Bonilla for the losses they have incurred as a result of the discrimination against them as alleged in this Complaint; and
 - (ii) take other appropriate nondiscriminatory measures to overcome the effects of the discrimination.
- (b) Award compensatory damages to charging parties Caraballo and Bonilla for mental and/or physical injuries caused by Defendant PRPD's discriminatory conduct, pursuant to and within the statutory limitations of Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a; and
- (c) Award such additional relief as justice may require, together with Plaintiff's costs and disbursements in this action.

JURY DEMAND

The United States hereby demands a trial by jury of all issues so triable, pursuant to Rule 38 of the Federal Rules of Civil Procedure and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.


GRACE CHUNG BECKER
Acting Assistant Attorney General
Civil Rights Division

By: 
JOHN M. GADZICHOWSKI (WI Bar No. 1014294)
Acting Chief, Employment Litigation Section



WILLIAM B. FENTON (D.C. Bar No. 414990)
Deputy Chief

MARIA H. RIOS GANDARA (PR USDC No. 205602)
Senior Trial Attorney
U.S. Department of Justice
Civil Rights Division - Employment Litigation Section
950 Pennsylvania Ave., NW
Patrick Henry Building, Room 4914
Washington, D.C. 20530
Telephone: (202) 616-9750
Facsimile: (202) 514-1005

ROSA E. RODRIGUEZ VELEZ
United States Attorney
for the District of Puerto Rico


ISABEL MUÑOZ ACOSTA (PR USDC No. 128302)
Assistant United States Attorney
United States Attorneys Office
Torre Chardón, Suite 1201
350 Carlos Chardón Avenue
San Juan, PR 00918
Telephone: (787) 766-5656
Facsimile: (787) 766-6219

Attorneys for the United States of America

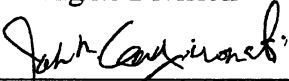
JURY DEMAND

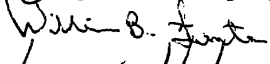

The United States hereby demands a trial by jury of all issues so triable, pursuant to Rule 38 of the Federal Rules of Civil Procedure and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

RESPECTFULLY SUBMITTED in San Juan, Puerto Rico, the 3rd day of March 2008.

GRACE CHUNG BECKER
Acting Assistant Attorney General
Civil Rights Division


By:


JOHN M. GADZICHOWSKI (WI Bar No. 1014294)
Acting Chief, Employment Litigation Section



WILLIAM B. FENTON (D.C. Bar No. 414990)

Deputy Chief
MARIA H. RIOS GANDARA (PR USDC No. 205602)
Senior Trial Attorney
U.S. Department of Justice
Civil Rights Division - Employment Litigation Section
950 Pennsylvania Ave., NW
Patrick Henry Building, Room 4914
Washington, D.C. 20530
Telephone: (202) 616-9750
Facsimile: (202) 514-1005

ROSA E. RODRIGUEZ VELEZ
United States Attorney
for the District of Puerto Rico


ISABEL MUÑOZ ACOSTA (PR USDC No. 128302)
Assistant United States Attorney
United States Attorneys Office
Torre Chardón, Suite 1201
350 Carlos Chardón Avenue
San Juan, PR 00918
Telephone: (787) 766-5656
Facsimile: (787) 766-6219

Attorneys for the United States of America