



residents are black. Carrasquillo is an evangelical Protestant, non-Roman Catholic, Christian. Carrasquillo began her employment with PRPD in 1993 as a sworn patrol officer in the district of Monte Hatillo within the Arecibo Region. Her duties included street patrol and also office administrative work. Carrasquillo maintained an exemplary employment record with no disciplinary or administrative actions during her employment with the PRPD prior to or after August 2007. Carrasquillo currently serves as a sworn police officer in the Monte Hatillo district.

5. Defendant Policia de Puerto Rico (“PRPD”) is a government agency created pursuant to the laws of the Commonwealth of Puerto Rico and located within this judicial district. PRPD is the uniformed police force of the Commonwealth of Puerto Rico, with island-wide jurisdiction. As of 2009, it had approximately 17,000 members (including approximately 16,000 sworn officers).

6. Defendant PRPD 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).

7. The Equal Employment Opportunity Commission (“EEOC”) received a timely charge of discrimination (EEOC Charge No. 515-10-00327) filed by Carrasquillo on or about April 12, 2010. In her EEOC charge, Carrasquillo alleged, inter alia, that she had been subjected to a hostile work environment based upon her race, color and religion. Pursuant to Section 706 of Title VII, the EEOC investigated the charge, found reasonable cause to believe that Carrasquillo was subjected to a hostile work environment based upon her race, color and religion. The EEOC attempted unsuccessfully to achieve a voluntary resolution of the charge through conciliation and subsequently referred the charge to the United States Department of Justice.

8. All conditions precedent to the filing of suit have been performed or have occurred.

**FACTS COMMON TO ALL CLAIMS FOR RELIEF**

9. In August 2007, Sandra Alvino (“Alvino”), a civilian secretary employed by the PRPD was transferred to the Monte Hatillo district and became Carrasquillo’s co-worker. Alvino’s duties were limited to the administrative functions in the office. Both Alvino and Carrasquillo worked Monday through Friday on the same eight hour day shift.

10. Beginning in August 2007 and continuing through early 2010, Carrasquillo was subjected to harassment, in the workplace, based upon her color, race and religion by Alvino. The harassment by Alvino began as inappropriate comments about Carrasquillo’s race and color and escalated to derogatory comments about Carrasquillo’s religion.

11. Captain Hector Figueroa Torres (“Figueroa”) and Second Lieutenant Carlos Diaz Rivera (“Diaz”) supervised the Monte Hatillo District in August 2007.

12. In September 2007, the management changed and Second Lieutenant Juan C. Cortez Sanchez (“Cortez”) replaced Figueroa as the precinct’s commanding officer.

13. Captain Rafael Mercado Mateo (“Mercado”) was assigned to the Monte Hatillo district and replaced Cortez in March 2008.

14. Captain Israel Vasquez (“Vasquez”) was temporarily assigned to Carrasquillo’s precinct, replacing Mercado, from August 2008 until October 2009.

15. In October 2009, Captain Jazmin Perez (“Perez”) was assigned to the Monte Hatillo district to replace Vasquez.

ANTI-HARASSMENT POLICY REQUIREMENTS

16. PRPD's anti-harassment policy provides for zero tolerance for all harassment. The policy also specifically makes supervisors responsible for taking sufficient action to correct any acts of discrimination or harassment brought to their attention either through personal observation or receipt of a complaint.

17. PRPD's anti-harassment policy provides several ways in which victims of harassment can report the conduct. The anti-harassment policy permits a victim of harassment to file a complaint with: any supervisor, including the employee's direct supervisor; the Area Commander; the Deputy Superintendent for Professional Responsibility; Domestic Violence and Sexual Harassment Bureau or its equivalent; or directly to the Superintendent of the Police or his/her designee.

18. PRPD's anti-harassment policy provides that supervisors who receive complaints of harassment have an obligation to confidentially file the complaint on behalf of the complaining employee.

COUNT 1

CARRASQUILLO WAS SUBJECTED TO A HOSTILE WORK ENVIRONMENT ON THE BASIS OF HER RACE AND COLOR IN VIOLATION OF TITLE VII

19. Soon after her arrival at the Monte Hatillo district, Alvino began to subject Carrasquillo to racial verbal abuse on a daily basis. Whenever Carrasquillo was not on street patrol and working in the office, Alvino would accost Carrasquillo with racially offensive comments and epithets such as "you damn black people," "damn dirty black woman," "filthy black monkeys," "monkeys" and refer to dark skinned people from the Dominican Republic as "wild beasts."

20. Alvino's derogatory comments were directed towards Carrasquillo.

21. Upon information and belief, these comments were made within the presence and within the hearing of numerous PRPD supervisory personnel who took no action to stop the comments.

**COUNT 2**

**CARRASQUILLO WAS SUBJECTED TO A HOSTILE WORK ENVIRONMENT ON THE BASIS OF HER RELIGION IN VIOLATION OF TITLE VII**

22. Alvino would also make religiously offensive and mocking comments to Carrasquillo about her Christian faith including, "Goddamn God's mother," "You Christians are all alike," and other religiously offensive language.

23. In August of 2008, Carrasquillo returned from a four week Christian missionary service trip. Knowing the purpose for her trip, Alvino made several derogatory remarks directed at Carrasquillo including, "you are a Christian and you are all alike." Carrasquillo closed her office door to avoid hearing Alvino's religiously offensive rant, but she could still hear Alvino through the closed door. Upon information and belief, Vasquez heard the language and did nothing to stop Alvino's harassment. Despite other management officers also being present in the office who heard Alvino's comments, they took no action to stop Alvino's religious attacks.

**COUNT 3**

**PRPD FAILED TO FOLLOW ITS ANTI-HARASSMENT POLICY TO REMEDY THE HARASSMENT**

**SUPERVISORY POLICE OFFICERS WITNESSED DISCRIMINATORY CONDUCT AND TOOK INSUFFICIENT CORRECTIVE ACTIONS**

24. These racially and religiously derogatory comments were made every day when Carrasquillo was working inside the precinct office. Carrasquillo's co-workers were subjected to these offensive racial and religious comments by Alvino. Moreover, upon information and

belief, these comments were made within the presence and within the hearing of numerous PRPD supervisory personnel who took no action to stop the comments.

25. In August 2007 when Figueroa and Diaz supervised the precinct, they overheard the comments that Alvino would make each day. They did not take any action to stop Alvino's inappropriate behavior nor did they file a confidential complaint on Carrasquillo's behalf as required by the PRPD's anti-harassment policy.

26. In September 2007, when Cortez became the precinct's commanding officer, he also witnessed Alvino's racially disparaging remarks to Carrasquillo on a consistent basis. Carrasquillo complained directly to Cortez about Alvino's constant barrage of racist remarks. Cortez failed to comply with the PRPD's anti-harassment policy in that he did nothing to alleviate the harassment and he did not file a complaint on Carrasquillo's behalf as required under the policy.

27. When Captain Mercado was assigned to the Monte Hatillo district in a supervisory capacity in March 2008, Carrasquillo also complained to him about Alvino's constant racist insults to her and other black employees, including Minerva Villegas ("Villegas"), another secretary. Alvino directed offensive comments on a daily basis towards Villegas as well as Carrasquillo and Carrasquillo complained to Captain Mercado about those comments but Mercado did not take corrective action to end the harassment nor did he file a confidential complaint on behalf Villegas as required by the PRPD's anti-harassment policy.

28. In October 2009, Alvino confronted Carrasquillo in the parking lot of the Monte Hatillo office and accused Carrasquillo of calling her a lesbian. The confrontation continued into the workspace of the Monte Hatillo office with Alvino continuing to make disparaging comments about Carrasquillo until Vasquez emerged from his office. In front of Vasquez,

Alvino continued to hurl racist epithets at Carrasquillo. Carrasquillo told Vasquez that Alvino treats her this way because Alvino is a racist. To which Alvino replied loudly, "all the time!" Alvino also stated that Carrasquillo thought she was a "saint because [Carrasquillo] is a Christian and is always hiding behind the Bible." This exchange was witnessed by at least one other officer, Mariela Pinero Ofarril ("Pinero").

29. Upon information and belief, in October 2009, Vasquez did not correct Alvino or stop her inappropriate behavior towards Carrasquillo. Alvino made other racially and religiously offensive remarks to Carrasquillo whenever they were in the office together often times, in front of Vasquez.

30. Instead of correcting Alvino's behavior, Vasquez forced Carrasquillo to leave work early for the day and take two subsequent days of vacation time. Afterwards, Carrasquillo was involuntarily moved to a less desirable, late night duty shift.

31. On or about November 2, 2009, after PRPD failed to address Carrasquillo's numerous complaints, Carrasquillo submitted copies of a written complaint to PRPD Headquarters in San Juan. In this letter, Carrasquillo: (1) stated that since August of 2007 she had been the victim of race, color, and religious harassment by Alvino; (2) listed some of the specific race, color, and religiously offensive comments that Alvino directed towards her; (3) identified each of her supervisors and the union official to whom she directly complained; (4) stated that PRPD supervisors had failed to address her numerous complaints; and (5) explained the resulting emotional harm that she suffered due to the on-going harassment she endured.

32. Upon information and belief, Carrasquillo's letter was received by different headquarters offices, including the Civil Rights Commission of the PRPD, and the Women's

General Attorney's office. Despite her written complaint directly to PRPD headquarters, PRPD did nothing in response.

33. Upon information and belief, PRPD did not conduct an investigation or sufficiently respond to Carrasquillo's verbal and written complaints counter to the explicit terms in PRPD's written policy.

34. In compliance with PRPD's anti-harassment policy, Carrasquillo complained to all of her supervisors: Figueroa, Diaz, Cortez, Mercado, Vasquez, and Perez.

35. In response to Carrasquillo's complaints, PRPD temporarily detailed Carrasquillo to another department for 3 months and unsuccessfully attempted to transfer Alvino to another precinct. These actions kept Alvino in the same work environment where Carrasquillo and others continued to be subjected to Alvino's barrage of offensive language and inappropriate conduct.

36. PRPD failed to follow its anti-harassment policy when Figueroa, Diaz, Cortez, Mercado, Vasquez, and Perez failed to take sufficient and prompt action to stop the on-going discriminatory harassment towards Carrasquillo.

37. As a direct and proximate cause of the harassment that PRPD failed to remedy, Carrasquillo has suffered damages, including but not limited to emotional distress and loss of enjoyment of life.

38. Defendant PRPD discriminated against Carrasquillo in violation of Section 703(a)(1) of Title VII, 42 U.S.C. § 2000e-2(a)(1) because:

- a. Carrasquillo was subjected to unwelcomed racial, color, and religious harassment;



- b. Alvino was permitted to make extreme derogatory and offensive racial, color, and religious comments in the workplace on a daily basis;
- c. Alvino's comments were both subjectively and objectively hostile and abusive;
- d. PRPD management failed to follow its policy and address Carrasquillo's numerous verbal complaints or her written complaint.

**PRAYER FOR RELIEF**

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

- A. Enjoin Defendant PRPD from failing or refusing to provide sufficient remedial relief to make whole Carrasquillo for the losses she incurred as a result of the discriminatory harassment against her as alleged in this Complaint;
- B. Enjoin Defendant PRPD from failing or refusing to take other appropriate nondiscriminatory measures to overcome the effects of the discriminatory harassment alleged in this Complaint;
- C. Enjoin Defendant PRPD from failing or refusing to award compensatory damages to Carrasquillo 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;
- D. Enjoin Defendant PRPD from failing or refusing to supplement its mandatory training for all supervisors in the Monte Hatillo District regarding racial and religious harassment and;
- E. 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.

Dated: July 22, 2013

Respectfully submitted,

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