

**UNITED STATES DISTRICT COURT  
DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA,  Plaintiff,  v.  POLICIA DE PUERTO RICO,  Defendant.	Civil Action No.  <b>JURY TRIAL DEMANDED</b>
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**COMPLAINT**

Plaintiff, 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”).

**JURISDICTION AND VENUE**

2. The Court has jurisdiction over this action under 42 U.S.C. § 2000e-5(f) and 28 U.S.C. §§ 1331 and 1345.

3. Defendant Policía de Puerto Rico (“PRPD”) is a governmental agency created pursuant to the laws of the Commonwealth of Puerto Rico and located within the judicial district.

4. 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).

5. Sofia Figueroa Rossy (“Figueroa”) filed a timely charge of discrimination (EEOC Charge No. 515-2009-00063) with the Equal Employment Opportunity Commission (“EEOC”), in which she alleged that the PRPD retaliated against her when she engaged in activity protected under Title VII.

6. Pursuant to Section 706 of Title VII, 42 U.S.C. § 2000e-5, the EEOC investigated Figueroa's charge of discrimination, and found reasonable cause to believe that a violation of Title VII had occurred. 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.

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

**CLAIM FOR RELIEF**

8. On or around January 9, 2008, Figueroa, a female sworn officer in the PRPD's Caguas Sex Crimes Division ("Division de Delitos Sexuales") of the Criminal Investigations Corps ("Cuerpo de Investigaciones Criminales" or "CIC"), complained to her second line supervisor, Captain Gustavo Collazo Martínez ("Collazo"), about what she reasonably believed was a hostile work environment based on sex created by her immediate supervisor, Sergeant Simara Torres Ramos ("Torres").

9. On or around January 17, 2008, Figueroa met with Captain Collazo and provided him with a written statement dated January 15, 2008 detailing specific acts of a hostile work environment based on sex in the Caguas Sex Crimes Division. At this meeting, Figueroa told Captain Collazo that Sergeant Torres had created a hostile work environment based on sex that was unwelcome, pervasive and continuous.

10. On January 22, 2008, Captain Collazo wrote a memorandum to his supervisor, Colonel José L. Caldero López ("Caldero"), entitled "Difficulties in the Service at the Sex Crimes Division." *See* SAIC-CIC-ACa-2-33. Among the documents attached to this memorandum is Figueroa's January 15, 2008 memorandum.

11. Section 9.2 of the PRPD's Regulation 6508 ("Reglamento para establecer la política pública y procedimiento para radicar querellas de hostigamento sexual en el empleo" or "Regulation Establishing Public Policy and the Procedure for Filing Sexual Harassment Complaints") requires that PRPD officials notify the Human Resources Department in writing, and in a confidential manner, within three days of learning of allegations of sexual harassment. The PRPD violated this provision by failing to promptly and confidentially report Figueroa's complaint of sexual harassment to the Human Resources Department.

12. Section 11.2 of the PRPD's Regulation 6508 provides that complaints of sexual harassment, whether oral or in writing, should be kept confidential. The PRPD violated this provision by failing to keep confidential Figueroa's complaint regarding the hostile work environment based on sex created by Sergeant Torres. As a result, Figueroa endured snickering and malicious remarks regarding the contents of her complaint from other officers and personnel on a regular basis.

13. Section 8.3 of the PRPD's Regulation 6508 requires that PRPD officials who learn of allegations of sexual harassment coordinate with the Human Resources Department to take provisional measures, such as assigning the alleged harasser to work at a different location from the alleged victim. Section 8.3 further states that provisional measures should not include, under any circumstances, the involuntary transfer of the alleged victim. The PRPD violated this provision by failing to promptly coordinate with the Human Resources Department to take appropriate provisional measures in response to Figueroa's allegations of a hostile work environment based on sex created by Sergeant Torres.

14. On or about February 5, 2008, less than a month after Figueroa's initial meeting with Captain Collazo and just two weeks after submitting her written complaint of sexual

harassment, the PRPD violated Section 8.3 of the PRPD's Regulation on the Prevention of Sexual Harassment by involuntarily transferring Figueroa out of the Caguas Sex Crimes Division and ordering her to report to the CIC's Larceny Division (Caguas District) on February 6, 2008.

15. On February 12, 2008, Figueroa wrote a memorandum to Captain Collazo challenging the involuntary transfer decision and pointing out that pursuant to Section 8.1 of the PRPD's Regulation on the Prevention of Sexual Harassment, it was her right to challenge in writing the provisional measure – *i.e.*, involuntary transfer – taken by him in response to her allegation of sexual harassment.

16. Upon information and belief, Captain Collazo did not respond to Figueroa's February 12, 2008 memorandum.

17. On February 27, 2008, Figueroa wrote to the PRPD's Human Resources Department appealing the involuntary transfer decision. In this letter, Figueroa made reference to her January 15, 2008 memorandum to Captain Collazo, and stated that: (1) she told the captain that the incidents she described in her letter constituted sexual harassment; (2) she was involuntarily transferred out of the Caguas Sex Crimes Division; and (3) no investigation on her allegations of sexual harassment had yet been conducted pursuant to Section 11.5 of the PRPD's Regulation on the Prevention of Sexual Harassment.

18. Upon information and belief, the PRPD's Human Resources Department did not respond to Figueroa's February 27, 2008 letter.

19. On March 12, 2008, Figueroa appealed the involuntary transfer decision to Colonel Caldero. In her appeal letter, Figueroa alleged, among other things, that she was involuntarily transferred out of the Caguas Sex Crimes Division in retaliation for complaining about the hostile work environment based on sex created by Sergeant Torres.

20. In late March 2008, Colonel Caldero referred Figueroa's January 15, 2008 and February 12, 2008 memoranda to the Public Integrity Bureau for investigation.

21. The Public Integrity Bureau did not investigate Figueroa's appeal of Captain Collazo's decision to involuntarily transfer her out of the Caguas Sex Crimes Division and/or whether the involuntary transfer of an alleged victim of sexual harassment (Figueroa) had been in violation of the PRPD's Regulation on the Prevention of Sexual Harassment.

22. On May 2, 2008, Figueroa began to receive treatment for a psychological condition allegedly caused by Sergeant Torres's sexual harassment and the PRPD's lack of support and retaliation because of her complaint of a hostile work environment based on sex. Figueroa was assigned administrative duties during her treatment.

23. In or about July 2008, Figueroa returned to her regular duties in the Larceny Division, which was located on the second floor of the Caguas CIC Building. The Juvenile Offenses Division where Sergeant Torres was transferred also was located on the second floor of the Caguas CIC Building. Thus, Figueroa was forced to work on the same floor in close proximity to the sergeant.

24. On January 2, 2009, Figueroa was transferred, at her request and to avoid further daily contact with Sergeant Torres, to the Special Arrests Division.

25. The Special Arrests Division moved to a new location in the Caguas District on January 2, 2010, and Figueroa and Sergeant Torres were once again working in the same building, on the same floor.

26. Defendant PRPD discriminated against Figueroa in violation of Section 704(a) of Title VII, 42 U.S.C. § 2000e-3(a), because Figueroa engaged in activity protected under Title VII, among other ways, by:

- (a) involuntarily transferring Figueroa out of the Caguas Sex Crimes Division after she engaged in protected activity;
- (b) failing or refusing to keep Figueroa's complaint about the hostile work environment based on sex confidential, thus causing Figueroa further discomfort and humiliation;
- (c) failing or refusing to investigate Figueroa's appeal of her involuntary transfer from the Caguas Sex Crimes Division, and failing or refusing to revoke the involuntary transfer order; and
- (d) failing or refusing to take appropriate action to remedy the effects of the retaliatory treatment.

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 Figueroa for the losses she incurred as a result of the retaliation 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 retaliation alleged in this Complaint;
- C. Enjoin Defendant PRPD from failing or refusing to award compensatory damages to Figueroa for mental and/or physical injuries caused by Defendant PRPD's retaliatory 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 Caguas District regarding sexual harassment and

retaliation under Title VII so that complaints remain confidential and do not result in retaliation; 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: November 30, 2010

Respectfully submitted,

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