

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

CASE NO.:

KRYSTAL SPENCE,

Plaintiff(s),

v.

**MIAMI-DADE COUNTY
POLICE DEPARTMENT,**

Defendant(s).

COMPLAINT

Plaintiff, **KRYSTAL SPENCE** ("Plaintiff"), by and through the undersigned counsel, hereby sues Defendant, **MIAMI-DADE COUNTY POLICE DEPARTMENT** ("Defendant"), and alleges as follows:

1. This is an action for damages pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-2 ("Title VII"); and the Florida Civil Rights Act of 1992, Florida Statutes, Chapter 760, *et seq.* ("FCRA"), to redress injuries resulting from Defendant's unlawful gender-based discriminatory treatment of and retaliation against Plaintiff.
2. At all times material hereto, Plaintiff was a resident of Broward County, Florida.
3. Defendant, **MIAMI-DADE COUNTY POLICE DEPARTMENT**, is a Florida municipality; conducting business in Miami-Dade County, Florida, where Plaintiff worked for Defendant.

4. Venue is proper because all of the actions that form the basis of this Complaint occurred within this district.

5. All conditions precedent for the filing of this action before this Court have been previously met, including the exhaustion of all pertinent administrative procedures and remedies.

FACTUAL ALLEGATIONS COMMON TO ALL COUNTS

6. Plaintiff is female and within a class of individuals protected by Title VII and the FCRA.

7. Plaintiff commenced employment with Defendant on or about June 18, 2006 as a Police Officer.

8. Throughout Plaintiff's employment, Supervisor Lieutenant Anthony Collins subjected Plaintiff to inappropriate comments such as "I will offer you \$300 dollars if you can show me you have a Brazilian wax".

9. Supervisor Lieutenant Anthony Collins would also tried to kiss and touch Plaintiff in numerous occasions

10. On or about, June 2011, Plaintiff complained to her Sergeant Terry Williams about how uncomfortable the Lieutenant Anthony Collins made her feel when she was not at the office. Sergeant Terry Williams never addressed this situation.

11. On 2012, Plaintiff was subjected to continuous harassment by Lieutenant Anthony Collins when he ordered Plaintiff into his car for a detail, at that time; Lieutenant Anthony Collins grabbed Plaintiff's face and kissed Plaintiff.

12. Plaintiff complained to Lieutenant Karen McKenzie about the situation but no remedial action was taken.

13. On November 1, 2014, Plaintiff was sexually harassed again by Lieutenant Anthony Collins when he texted Plaintiff "Code 5", which means for Plaintiff to come into his office at the Northside Police Station, Lieutenant Collins blocked Plaintiff from exiting his office, took both of Plaintiff's hands, grabbed Plaintiff's face and forced a kiss, then proceeded and touched Plaintiff's vagina.

14. Plaintiff refused Lieutenant Anthony Collins' sexual advances, advised him that his actions were not welcome and resisted his unwanted and inappropriate sexual advances, Lieutenant Collins yelled at Plaintiff "Well get the fuck out of my office then!".

15. Thereafter, Plaintiff went to use the bathroom and Lieutenant Collins followed Plaintiff to the ladies bathroom, and stated "let me see".

16. Lieutenant Collins entered the ladies private restroom and attempted to enter the private stall where Plaintiff was trying to seat on the toilet.

17. Plaintiff began to scream "get out", held the door closed but Lieutenant Collins kept saying "Let me in, I just want to see it one time".

18. Lieutenant Collins began stating "Scarlett Let Me See" and began pushing Plaintiff bathroom stall door aggressively.

19. A female employee Tatiana Layden witnessed and heard Lieutenant Collins in the ladies bathroom and stated "oh, I am going to tell, why you are inside the bathroom violating our privacy".

20. On November 1, 2014, Plaintiff complained to the department about the harassment to her Sergeant Emily Wilson (Male), who reported the incident to the Professional Compliance Bureau (PCB).

21. The Respondents Internal Affairs ordered Plaintiff not to discuss the case, while it was an open investigation and to let them complete their investigation first. Such investigation was prolonged for a year and three months.

22. Plaintiff believes that Respondent's actions to prolong the investigation until approximately December of 2015 was an effort to undermine the EEOC claim and right to sue.

23. In addition, Plaintiff stated that Respondent falsified a Disciplinary Action Session dated September 30, 2015 and listed Plaintiff's mother Sergeant Brendolyn Spence as Plaintiff's representative and such meeting never happened.

24. It is Plaintiff understanding that Lieutenant Collins has also been accused of other incidents of sexual harassment in the past by other females.

25. In addition, Lieutenant Collins submitted an email to all the supervisors in the department admitting to his wrong doing and has gone to Plaintiff's mother Sergeant Brendolyn Spence, and asked "why won't your daughter go out with me, I was willing to take care of her".

26. On or about, November 19, 2014, Plaintiff timely filed a Charge of Discrimination with the United States Equal Employment Opportunity Commission and the Florida Commission on Human Relations (EEOC Charge No.510-2015-00737).

27. On or about, March 04, 2016, Plaintiff filed a second timely Charge of Discrimination with the United States Equal Employment Opportunity Commission and the Florida Commission on Human Relations (EEOC Charge No..510-2016-02285).

28. The Plaintiff has retained the undersigned counsel in order that her rights and interests may be protected. The Plaintiff has thus become obligated to pay the undersigned a

reasonable attorney's fee.

COUNT I

Gender Discrimination in Violation of the FCRA

29. Plaintiff re-adopts each and every factual allegation as stated in paragraphs 1-20 above as if set out in full herein.
30. Plaintiff is a member of a protected class under the FCRA.
31. By the conduct describe above, Defendants have engaged in discrimination against Plaintiff because of Plaintiff's gender and subjected the Plaintiff to gender-based animosity.
32. Such discrimination was based upon the Plaintiff's gender in that Plaintiff would not have been the object of discrimination but for the fact that Plaintiff is female.
33. Defendants' conduct complained of herein was willful and in disregard of Plaintiff's protected rights. Defendants and their supervisory personnel were aware that discrimination on the basis of gender was unlawful but acted in reckless disregard of the law.
34. At all times material hereto, the employees exhibiting discriminatory conduct towards Plaintiff possessed the authority to affect the terms, conditions, and privileges of Plaintiff's employment with the Defendants.
35. Defendants retained all employees who exhibited discriminatory conduct toward the Plaintiff and did so despite the knowledge of said employees engaging in discriminatory actions.
36. As a result of Defendants' actions, as alleged herein, Plaintiff has been deprived of rights, has been exposed to ridicule and embarrassment, and has suffered emotional distress and damage.

37. The conduct of Defendants, by and through the conduct of its agents, employees, and/or representatives, and the Defendant's failure to make prompt remedial action to prevent continued discrimination against the Plaintiff, deprived the Plaintiff of statutory rights under federal law.
38. The actions of the Defendants and/or its agents were willful, wanton, and intentional, and with malice or reckless indifference to the Plaintiff's statutorily protected rights, thus entitling Plaintiff to damages in the form of compensatory and punitive damages pursuant to state and federal law, to punish the Defendants for their actions and to deter them, and others, from such action in the future.
39. Plaintiff has suffered and will continue to suffer both irreparable injury and compensable damages as a result of Defendants' discriminatory practices unless and until this Honorable Court grants relief.

WHEREFORE, Plaintiffs respectfully prays for the following relief against Defendants:

- a. Adjudge and decree that Defendants have violated the FCRA, and have done so willfully, intentionally, and with reckless disregard for Plaintiff's rights;
- b. Enter a judgment requiring that Defendants pay Plaintiff appropriate back pay, benefits' adjustment, and prejudgment interest at amounts to be proved at trial for the unlawful employment practices described herein;
- c. Enter an award against Defendants and award Plaintiff compensatory damages for mental anguish, personal suffering, and loss of enjoyment of life;
- d. Require Defendants to reinstate Plaintiff to the position at the rate of pay and with the full benefits Plaintiff would have had Plaintiff not been discriminated against by Defendants, or in lieu of reinstatement, award front pay;

- e. Award Plaintiff the costs of this action, together with a reasonable attorneys' fees; and
- f. Grant Plaintiff such additional relief as the Court deems just and proper under the circumstances.

COUNT II

Retaliation in Violation of the FCRA

- 40. Plaintiff re-adopts each and every factual allegation as stated in paragraphs 1-20 of this complaint as if set out in full herein.
- 41. Plaintiff is a member of a protected class under the FCRA.
- 42. By the conduct describe above, Defendants retaliated against Plaintiff for exercising rights protected under the FCRA.
- 43. Defendants' conduct complained of herein was willful and in disregard of Plaintiff's protected rights. Defendants and its supervisory personnel were aware that discrimination on the basis of gender was unlawful but acted in reckless disregard of the law.
- 44. As a result of Defendants' actions, as alleged herein, Plaintiff has been deprived of rights, has been exposed to ridicule and embarrassment, and has suffered emotional distress and damage.
- 45. The conduct of Defendants, by and through the conduct of its agents, employees, and/or representatives, and Defendants' failure to make prompt remedial action to prevent continued discrimination against the Plaintiff, deprived the Plaintiff of statutory rights under federal law.
- 46. The actions of the Defendants and/or its agents were willful, wanton, and intentional, and with malice or reckless indifference to the Plaintiff's statutorily protected rights, thus

entitling Plaintiff to damages in the form of compensatory and punitive damages pursuant to federal law, to punish the Defendants for its actions and to deter it, and others, from such action in the future.

47. Plaintiff has suffered and will continue to suffer both irreparable injury and compensable damages as a result of Defendants' retaliatory practices unless and until this Honorable Court grants relief.

WHEREFORE, Plaintiffs respectfully prays for the following relief against Defendants:

- a. Adjudge and decree that Defendants have violated the FCRA, and have done so willfully, intentionally, and with reckless disregard for Plaintiff's rights;
- b. Enter a judgment requiring that Defendants pay Plaintiff appropriate back pay, benefits' adjustment, and prejudgment interest at amounts to be proved at trial for the unlawful employment practices described herein;
- c. Enter an award against Defendants and award Plaintiff compensatory damages for mental anguish, personal suffering, and loss of enjoyment of life;
- d. Require Defendants to reinstate Plaintiff to the position at the rate of pay and with the full benefits Plaintiff would have had Plaintiff not been discriminated against by Defendants, or in lieu of reinstatement, award front pay;
- e. Award Plaintiff the costs of this action, together with a reasonable attorneys' fees; and
- f. Grant Plaintiff such additional relief as the Court deems just and proper under the circumstances.

COUNT III

Sexual Harassment in Violation of the FCRA

48. Plaintiff re-adopts each and every factual allegation as stated in paragraphs 1-20 of this

complaint as if set out in full herein.

49. Plaintiff is a member of a protected class under the FCRA.

50. As part of its protections, the FCRA prohibits sexual harassment.

51. The conduct to which Plaintiff was subjected was severe, pervasive, physically threatening, humiliating, and unreasonably interfered with Plaintiff's work performance in violation of the FCRA.

52. The harassing conduct to which Plaintiff was subjected was perpetrated against her as a result of her gender (female), and constituted actionable sexual harassment.

53. Plaintiff rejected Defendant's sexual advances.

54. Defendants' alleged bases for the adverse conduct against Plaintiff are pretextual and asserted only to cover up the harassing, discriminatory, and retaliatory nature of their conduct.

55. As a result of the sexually harassing conduct to which Plaintiff was subjected and the adverse employment actions suffered by Plaintiff related thereto, Plaintiff has experienced and will continue to experience significant financial and economic loss in the form of lost wages and lost benefits. Plaintiff has also experienced and will continue to experience emotional anguish, pain and suffering and loss of dignity damages.

WHEREFORE, Plaintiffs respectfully prays for the following relief against Defendants:

- a. Adjudge and decree that Defendants have violated the FCRA, and have done so willfully, intentionally, and with reckless disregard for Plaintiff's rights;
- b. Enter a judgment requiring that Defendants pay Plaintiff appropriate back pay, benefits' adjustment, and prejudgment interest at amounts to be proved at trial for the unlawful employment practices described herein;

- c. Enter an award against Defendants and award Plaintiff compensatory damages for mental anguish, personal suffering, and loss of enjoyment of life;
- d. Require Defendants to reinstate Plaintiff to the position at the rate of pay and with the full benefits Plaintiff would have had Plaintiff not been discriminated against by Defendants, or in lieu of reinstatement, award front pay;
- e. Award Plaintiff the costs of this action, together with a reasonable attorneys' fees; and
- f. Grant Plaintiff such additional relief as the Court deems just and proper under the circumstances.

COUNT IV

Gender Discrimination in Violation of Title VII

- 56. Plaintiff re-adopts each and every factual allegation as stated in paragraphs 1-20 above as if set out in full herein.
- 57. Plaintiff is a member of a protected class under Title VII.
- 58. By the conduct describe above, Defendants have engaged in discrimination against Plaintiff because of Plaintiff's gender and subjected the Plaintiff to gender-based animosity.
- 59. Such discrimination was based upon the Plaintiff's gender in that Plaintiff would not have been the object of discrimination but for the fact that Plaintiff is female.
- 60. Defendants' conduct complained of herein was willful and in disregard of Plaintiff's protected rights. Defendants and their supervisory personnel were aware that discrimination on the basis of gender was unlawful but acted in reckless disregard of the law.
- 61. At all times material hereto, the employees exhibiting discriminatory conduct towards

Plaintiff possessed the authority to affect the terms, conditions, and privileges of Plaintiff's employment with the Defendants.

62. Defendants retained all employees who exhibited discriminatory conduct toward the Plaintiff and did so despite the knowledge of said employees engaging in discriminatory actions.

63. As a result of Defendants' actions, as alleged herein, Plaintiff has been deprived of rights, has been exposed to ridicule and embarrassment, and has suffered emotional distress and damage.

64. The conduct of Defendants, by and through the conduct of its agents, employees, and/or representatives, and the Defendant's failure to make prompt remedial action to prevent continued discrimination against the Plaintiff, deprived the Plaintiff of statutory rights under federal law.

65. The actions of the Defendants and/or its agents were willful, wanton, and intentional, and with malice or reckless indifference to the Plaintiff's statutorily protected rights, thus entitling Plaintiff to damages in the form of compensatory and punitive damages pursuant to state and federal law, to punish the Defendants for their actions and to deter them, and others, from such action in the future.

66. Plaintiff has suffered and will continue to suffer both irreparable injury and compensable damages as a result of Defendants' discriminatory practices unless and until this Honorable Court grants relief.

WHEREFORE, Plaintiffs respectfully prays for the following relief against Defendants:

- a. Adjudge and decree that Defendants have violated Title VII, and have done so willfully, intentionally, and with reckless disregard for Plaintiff's rights;

- b. Enter a judgment requiring that Defendants pay Plaintiff appropriate back pay, benefits' adjustment, and prejudgment interest at amounts to be proved at trial for the unlawful employment practices described herein;
- c. Enter an award against Defendants and award Plaintiff compensatory damages for mental anguish, personal suffering, and loss of enjoyment of life;
- d. Require Defendants to reinstate Plaintiff to the position at the rate of pay and with the full benefits Plaintiff would have had Plaintiff not been discriminated against by Defendants, or in lieu of reinstatement, award front pay;
- e. Award Plaintiff the costs of this action, together with a reasonable attorneys' fees; and
- f. Grant Plaintiff such additional relief as the Court deems just and proper under the circumstances.

COUNT V

Retaliation in Violation of Title VII

- 67. Plaintiff re-adopts each and every factual allegation as stated in paragraphs 1-20 of this complaint as if set out in full herein.
- 68. Plaintiff is a member of a protected class under Title VII.
- 69. By the conduct describe above, Defendants retaliated against Plaintiff for exercising rights protected under Title VII.
- 70. Defendants' conduct complained of herein was willful and in disregard of Plaintiff's protected rights. Defendants and its supervisory personnel were aware that discrimination on the basis of gender was unlawful but acted in reckless disregard of the law.
- 71. As a result of Defendants' actions, as alleged herein, Plaintiff has been deprived of rights,

has been exposed to ridicule and embarrassment, and has suffered emotional distress and damage.

72. The conduct of Defendants, by and through the conduct of its agents, employees, and/or representatives, and Defendants' failure to make prompt remedial action to prevent continued discrimination against the Plaintiff, deprived the Plaintiff of statutory rights under federal law.
73. The actions of the Defendants and/or its agents were willful, wanton, and intentional, and with malice or reckless indifference to the Plaintiff's statutorily protected rights, thus entitling Plaintiff to damages in the form of compensatory and punitive damages pursuant to federal law, to punish the Defendants for its actions and to deter it, and others, from such action in the future.
74. Plaintiff has suffered and will continue to suffer both irreparable injury and compensable damages as a result of Defendants' retaliatory practices unless and until this Honorable Court grants relief.

WHEREFORE, Plaintiffs respectfully prays for the following relief against Defendants:

- a. Adjudge and decree that Defendants have violated Title VII, and have done so willfully, intentionally, and with reckless disregard for Plaintiff's rights;
- b. Enter a judgment requiring that Defendants pay Plaintiff appropriate back pay, benefits' adjustment, and prejudgment interest at amounts to be proved at trial for the unlawful employment practices described herein;
- c. Enter an award against Defendants and award Plaintiff compensatory damages for mental anguish, personal suffering, and loss of enjoyment of life;
- d. Require Defendants to reinstate Plaintiff to the position at the rate of pay and with the

- full benefits Plaintiff would have had Plaintiff not been discriminated against by Defendants, or in lieu of reinstatement, award front pay;
- e. Award Plaintiff the costs of this action, together with a reasonable attorneys' fees; and
 - f. Grant Plaintiff such additional relief as the Court deems just and proper under the circumstances.

COUNT VI

Sexual Harassment in Violation of Title VII

75. Plaintiff re-adopts each and every factual allegation as stated in paragraphs 1-20 of this complaint as if set out in full herein.
76. Plaintiff is a member of a protected class under Title VII.
77. As part of its protections, Title VII prohibits sexual harassment.
78. The conduct to which Plaintiff was subjected was severe, pervasive, physically threatening, humiliating, and unreasonably interfered with Plaintiff's work performance in violation of Title VII.
79. The harassing conduct to which Plaintiff was subjected was perpetrated against her as a result of her gender (female), and constituted actionable sexual harassment.
80. Plaintiff rejected Defendant's sexual advances.
81. Defendants' alleged bases for the adverse conduct against Plaintiff are pretextual and asserted only to cover up the harassing, discriminatory, and retaliatory nature of their conduct.
82. As a result of the sexually harassing conduct to which Plaintiff was subjected and the adverse employment actions suffered by Plaintiff related thereto, Plaintiff has experienced and will continue to experience significant financial and economic loss in the

form of lost wages and lost benefits. Plaintiff has also experienced and will continue to experience emotional anguish, pain and suffering and loss of dignity damages.

WHEREFORE, Plaintiffs respectfully prays for the following relief against Defendants:

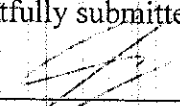
- a. Adjudge and decree that Defendants have violated Title VII, and have done so willfully, intentionally, and with reckless disregard for Plaintiff's rights;
- b. Enter a judgment requiring that Defendants pay Plaintiff appropriate back pay, benefits' adjustment, and prejudgment interest at amounts to be proved at trial for the unlawful employment practices described herein;
- c. Enter an award against Defendants and award Plaintiff compensatory damages for mental anguish, personal suffering, and loss of enjoyment of life;
- d. Require Defendants to reinstate Plaintiff to the position at the rate of pay and with the full benefits Plaintiff would have had Plaintiff not been discriminated against by Defendants, or in lieu of reinstatement, award front pay;
- e. Award Plaintiff the costs of this action, together with a reasonable attorneys' fees; and
- f. Grant Plaintiff such additional relief as the Court deems just and proper under the circumstances.

JURY DEMAND

Plaintiff demands trial by jury of all issues triable as of right by jury.

Dated 6-29-16

Respectfully submitted,



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