

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

_____)	
Randy Squires et al)	
4008 21 St. N.E.)	
Washington D.C. 20018)	
Plaintiffs,)	
)	
v.)	
)	
Robert Atcheson)	
Metropolitan Police Department)	
6 th District Headquarters)	
100 42 nd Street N.E.)	
Washington D.C. 20019)	
and)	C.A. N0.
)	
District of Columbia, et al.)	
Serve: Mayor Anthony Williams)	
Office of the Secretary)	
1350 Pennsylvania Ave., NW # 409)	
)	
Office of the Attorney General)	
441 4 th Street NW)	
Washington, DC 20001)	
)	
Defendants)	
_____)	

COMPLAINT

COMES NOW Plaintiff, Randy Squires, by and through undersigned counsel, and files this complaint for damages against Defendants District of Columbia and Robert Atcheson for alleged violations of Title VII of the Civil Rights Act of 1964 as amended 42 U.S.C. § 1981.

JURISDICTION AND VENUE

1. Jurisdiction of the Court is invoked pursuant to 42 U.S.C. § 2000(e) et seq., the

Civil Rights Act of 1964, as amended and 28 U.S.C. §§ 1331, 1337, and 1343 and § 1981 et seq. Venue is proper as the employment practices at issue were committed within the jurisdiction of the District of Columbia.

PARTIES

2. At all relevant times, Plaintiff Randy Squires, an African-American, was employed by the District of Columbia Metropolitan Police Department. Plaintiff timely filed a complaint with the Equal Employment Opportunity Commission, (“ EEOC”) wherein he complained on the basis of race discrimination, and harassment. the initial complaint in this case was timely filed. The Complaint was timely filed and the EEOC issued a right to sue letter on March 8, 2005.

3. Defendant, District of Columbia Government (“D.C.”), is a municipality that controls and operates the District of Columbia Metropolitan Police Department (“DCMPD”).

4. Defendant, Robert Acheson (“Acheson”), is a Caucasian officer and Lieutenant in the DCMPD who had responsibility for Environmental Crimes Unit (“ECU”) Warrant Squad and the Paternity Warrant Squad and is being sued in his individual and official capacities. Plaintiff asserts the theory of *respondeat superior*.

FACTS

5. In October 1988 Plaintiff was employed by the DCMPD. The Plaintiff was later transferred to the Environmental Crimes Unit (“ECU”) over which commander Broadbent, Jr had overall control. Defendant Acheson had day to day control of the said unit and was responsible for Plaintiff’s immediate superiors.

6. During the time that Plaintiff was assigned to ECU he experienced flagrant racial discriminatory conduct on the part of Defendant Acheson, pursuant to which he filed a complaint

with the EEO Counselor. At all times referenced herein, Defendant's conduct was designed to intimidate, insult, emasculate and humiliate Plaintiff.

7. Despite Plaintiff notifying his superiors about Acheson's conduct, Defendant Acheson continued to regularly use excessive profanities toward African-American police officers including Plaintiff, and verbally abused Plaintiff on numerous occasions. In one instance Defendant Acheson referred to Plaintiff as a "mope", a racially motivated epithet for the "N" word. Notwithstanding, Plaintiff's complaint to Captain Brito no disciplinary measure was taken against Acheson.

8. Defendant Acheson, with the knowledge of his supervisors intentionally, repeatedly and maliciously subjected Plaintiff to offensive, intimidating and racially offensive behavior. He frequently subjected Plaintiff to excessive and disproportionate discipline, in comparison to Plaintiff's Caucasian co-workers.

9. As part of Defendant Acheson's repeated hostility and discrimination Defendant Acheson would deliberately wait before Plaintiff completed his shift, then he would order Plaintiff to his office for an aggressive 'question and answer' session.

10. In another instance when Plaintiff was wrongly charged by North Carolina Police, Defendant Acheson falsified Plaintiff's account of the event and gave it to North Carolina Police. Defendant Acheson knew that his manufactured evidence would be detrimental to Plaintiff but beneficial to Prosecutors in North Carolina.

11. Defendant wrongly accused Plaintiff of unauthorized taking of a police vehicle. Defendant Acheson falsely told Plaintiff that he had photographic evidence of the police car outside Plaintiff's home overnight and of Plaintiff driving the car from his home. Defendant used oppressive conduct by further telling Plaintiff that: "They (officers in North Carolina) had enough

evidence to lock him up and you don't want to go before the three wise men (the trial board). Therefore, it would be better for you to accept the adverse action." Although Defendant knew his accusation was false he cajoled Plaintiff to write : "I took the car home last night and would not do it again." The allegations in this paragraph are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery.

12. Defendant's treatment of Plaintiff was particularly unfair in relation to the use of police cars. Whilst Defendant ordered Plaintiff not to take home any police car; he openly permitted Paul Kurgan, a Caucasian to take his police car home. Defendant's different treatment of Plaintiff was solely based on Plaintiff's race.

13. Despite knowledge that Defendant Atcheson racially abused, victimized and offended minority police officers including Plaintiff, he has never been disciplined in a manner, that would require him to change his behavior. Police managers failed to discipline him or sanction his behavior .

14. Police mangers, including but not limited to Commander John and Captain Brito knew that Defendant Atcheson, by way of his aggressive, racially motivated and offensive behavior, victimized and harassed Plaintiff, but failed to take any action to prevent Defendant's conduct.

15. As a direct result of Defendant's ability to act with impunity, he developed a heightened sense of indifference whilst conducting a racially motivated and retaliatory campaign of hatred against Plaintiff. Defendant Atcheson regularly impugned Plaintiff's character by stating to other police officers that Plaintiff was a 'scumbag who did not deserve to be in the police and he was going to get him fired.' In a further attempt to embarrass Plaintiff, Defendant Atcheson stated to a police union representative that Plaintiff was a criminal who had been locked up in North Carolina.

16. In November 2001 Defendant Acheson without any legitimate reason assigned Plaintiff to desk duties and seized his gun and badge. Defendant then telephoned Plaintiff to enquire whether he was carrying his department issued pager. When Plaintiff answered in the negative, Defendant Acheson assure Plaintiff not to worry himself. On November 2, 2001 contrary to Defendant Acheson's advice he proceeded to compel Sgt Shakir Muslim to officially investigate the matter. Defendant Acheson, then wrote an adverse report against Plaintiff. Defendant Acheson's conduct was designed to force Plaintiff's dismissal from the Police Force for no reason other than his race.

17. Defendant Acheson also manufactured other evidence to secured Plaintiff termination, to wit falsely charging Plaintiff with lying to an official and making a false statement about an interview of two witnesses.

18. In 2002 Defendant deprived Plaintiff of appropriate breathing apparatus which is designed to save life in emergency and hazardous situations. Defendant Acheson nonetheless, provided the same apparatus to Paul Kurgan and Carl Ruleman, who are both Caucasian officers. In the preceding and subsequent paragraphs where no dates are stated, Plaintiff reasonably believes that the allegations in these paragraphs are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery.

19. Defendant further denied Plaintiff numerous requests for overtime whilst granting the same to Caucasian officers.

20. Defendant constantly denied Plaintiff's request to attend training courses, including but not limited to a request to attend a training course in Pennsylvania dealing with Environmental Crimes . By contrast Defendant allowed Paul Kurgan, a similarly situated Caucasian officer, to attend such courses.

21. In 2003 Defendant Acheson attempted to secure a lower evaluation for Plaintiff but

demanded a higher rating for Paul Kurgan, a Caucasian officer.

COUNT I
RACIAL DISCRIMINATION
TITLE VII
District of Columbia and Atcheson

22. Plaintiff incorporates by reference all the allegations in paragraphs 1 through 21.

23. Defendant Atcheson treated Plaintiff differently than similarly situated Caucasian police officers in several respect, including but not limited to assignments, evaluation, and disciplinary actions, deprivation of overtime and use of departmental vehicles.

24. Plaintiff believe that they were subjected to this disparate treatment on the basis of their race, in direct violation of Title VII.

25. As a direct and proximate cause of Defendants' discrimination, Plaintiff have suffered, and will continue to suffer severe emotional distress and mental anguish, including but not limited to embarrassment, humiliation and loss of self esteem.

WHEREFORE, each Plaintiff respectfully prays that this Honorable Court enters:

- (a) Judgment against Defendants for compensatory damages in excess of three hundred fifty thousand dollars (\$350,000.00) per Plaintiff;
- (b) Judgment against Defendants for reasonable attorney fees and costs of this action and;
- (c) Judgment against Defendants for such other and further relief as this Court deems just and proper.

COUNT II
RACIAL DISCRIMINATION (HOSTILE WORK PLACE)
TITLE VII
District of Columbia and Defendant Acheson

26. Plaintiff incorporate by reference all the allegations in paragraphs 1 through 25.
27. Defendants deliberately intimidated, frustrated, patronized and offended Plaintiff and created an hostile workplace environment.
28. Defendant's Acheson's use of language , certain remarks and actions intentionally created a workplace climate of fear, intimidation and humiliation.

WHEREFORE, Plaintiff respectfully pray that this Honorable Court enters:

- (a) Judgment against Defendants for compensatory damages in excess of three hundred fifty thousand dollars (\$350,000.00) per Plaintiff;
- (b) Judgment against Defendant Acheson for punitive damages in an amount in excess of three hundred and fifty thousand dollars (\$350,000.00);
- (c) Judgment against Defendants for reasonable attorney fees and costs of this action;
- (d) Judgment against Defendants for such other and further relief as this Court deems just and proper.

COUNT III
DEPRIVATION OF CIVIL RIGHTS, 42 U.S.C. SECTION 1981
District Of Columbia and Defendant Atcheson

29. Plaintiff incorporates by reference all the allegations in paragraphs 1 through 28.

30. Plaintiff is a member of a protected class by virtue of his race, African-American

31. Defendant Atcheson's actions and disparate treatment of Plaintiff interfered intentionally and wrongly interfered with Plaintiff's rights to make and/or enforce a contract and to full and equal benefit of all laws for the security of persons because of their race.

32. As a direct and proximate result of Defendant's acts or omissions Plaintiff sustained injuries.

33. As a further direct and proximate result of the Defendant's racially motivated behavior, Plaintiff has suffered and will continue to suffer, indignity, embarrassment, humiliation, loss of self esteem, undue stress, mental anguish and emotional and psychological harm.

WHEREFORE, Plaintiff respectfully prays that this Honorable Court enters:

- (a) Judgment against Defendants for compensatory damages in an amount in excess of three hundred fifty thousand dollars (\$350,000.00);
- (b) Judgment against Defendant Atcheson for punitive damages in an amount in excess of three hundred fifty thousand dollars (\$350,000.00) for Defendant's actions towards Plaintiff and to deter similar conduct in the future; and
- (b) Judgment against Defendants for reasonable attorneys fees, costs and such

other relief the Court deems just and proper.

**COUNT IV
RETALIATION**

District of Columbia and Defendant Acheson

34. Plaintiff incorporates by reference all the allegations in paragraphs 1 through 33.

35. Plaintiff believes that Defendant Acheson and others retaliated against him as a result of Plaintiff complaining about, including but not limited to, Defendant's racially motivated conduct.

WHEREFORE, Plaintiff respectfully prays that this Honorable Court enters:

- (a) Judgment against Defendant for compensatory damages in an amount in excess of three hundred fifty thousand dollars (\$350,000.00);
- (b) Judgment against Defendant for punitive damages in an amount in excess of one hundred fifty thousand dollars (\$350,000.00) for Defendant's actions towards Plaintiff and to deter similar conduct in the future; and
- (b) Judgment against Defendant for reasonable attorneys fees, costs and such other relief as this court deems just and proper.

**COUNT V
NEGLIGENT SUPERVISION
(District of Columbia)**

36. Plaintiff incorporates by reference all the allegations in paragraphs 1 through 35.

37. Defendant District of Columbia owed Plaintiff a duty to use reasonable care in the supervision and discipline of DCMPD staff. That duty includes the duty to discipline and supervise officers known to conduct themselves in an illegal and racially offensive and insensitive

manner in the performance of their workplace duties.

38. Defendant District of Columbia violated their duty of care to Plaintiff.

39. As a direct and proximate result of Defendant's negligence Plaintiff has suffered significant emotional harm, including mental anguish, humiliation, and embarrassment.

WHEREFORE, Plaintiff respectfully prays that this Honorable Court enters :

- (a) Judgment against Defendants for compensatory damages in excess of three hundred fifty thousand dollars (\$350,000.00); and
- (b) Judgment against Defendant for such other and further relief as this Court deems just and proper.

JURY DEMAND

Plaintiff requests a jury trial on all issues

Respectfully submitted,

By _____/s/_____
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