

regularly with hospital staff, including the Director of Nursing and Head of Security, and he conducts audits and inspections related to medical care received by the inmates. Prior to this role, Sgt. Jones was responsible for overseeing safety and security operations for the second floor of the DC Jail, which included inmate housing, case management, the law library, the school, and the visiting hall, and he was in control of the movement of all officers and inmates in that section of the jail.

2. During Sgt. Jones's two-decade tenure at DOC, he received numerous commendations and awards for his service, including recognition for working with a work study program and the summer youth program for DOC. Sgt. Jones's awards also include the Community Service Award, Work Release Award, Flag Detail Fraternal Order of Police ("FOP") Law Enforcement Award, FOP/DOC Outstanding Professional Employee Award, and a Directors Award.

3. Over the course of his employment by the District, Sgt. Jones, a gay man, has endured pervasive acts of harassment based on his sexual orientation. He has been called demeaning slurs and has faced threats of violence and false accusations of inappropriate sexual behavior with inmates. On multiple occasions, and at times in view of senior officers at DOC, Sgt. Jones was called "faggot," "old faggot," "faggot mess," and "dick eater" among other slurs; he was told by fellow officers at DOC that they "don't like faggots or sissies" and "hate working with faggots." On one occasion, Sgt. Jones was falsely accused of bringing drugs and food into the jail and of having sexual intercourse with inmates. On several occasions, officers have put Sgt. Jones' safety at risk by refusing to answer his calls for assistance over the internal radio system when he was responding to inmates or attempting to execute his duties. Officers have also refused to follow Sgt. Jones's instructions—responding to him by making anti-gay slurs and

other derogatory remarks. Sgt. Jones's supervisors failed to assist Sgt. Jones after inmates placed their genitals on display, masturbated toward Sgt. Jones, and called him gay slurs, like "fuck you, faggot" and "eat my faggot ass out." During one particularly frightening incident, an inmate threatened to sexually assault Sgt. Jones and "cut his throat."

4. The harassment suffered by Sgt. Jones was so severe that he was diagnosed with Post Traumatic Stress Disorder ("PTSD") and Major Depressive Disorder. He has suffered anxiety, low mood, and more than 15 panic attacks in direct response to the various incidents involving DOC staff and inmates.

5. Consistent with his responsibilities as a DOC employee, Sgt. Jones repeatedly reported the harassment to his superiors, including Defendants Lt. Delron Faison, Cpt. Laretta Johnson, Warden Lennard Johnson, and Deputy Warden Kathleen Landerkin. Rather than taking action, however, Defendants ignored Sgt. Jones's reports of harassment by DOC staff and inmates and allowed Sgt. Jones to be repeatedly exposed to severe harassment based on his sexual orientation.

6. Sgt. Jones further escalated his complaints to the highest levels in D.C. government, including to DOC Director Quincy Booth and D.C. Mayor Muriel Bowser. Despite Director Booth and Mayor Bowser's knowledge some of the events detailed herein, still nothing was done.

7. Indeed, Sgt. Jones suffered retaliation in the form of DOC supervisors refusing to assist Sgt. Jones with hostile inmates and a continued hostile work environment resulting from his many complaints and reports of abuse.

8. Sgt. Jones is a person with disabilities that substantially limit one or more of his major life activities, including uncontrolled diabetes, which puts him at a high-risk for

complications from COVID-19, in addition to suffering from PTSD and Major Depressive Disorder. Sgt. Jones made numerous requests for reasonable accommodations based on these disabilities, and Defendants denied him any accommodation—even while making similar accommodations to other DOC employees.

9. Sgt. Jones brings this action pursuant to the D.C. Human Rights Act of 1977 (“DCHRA”), D.C. Code § 2-1403.01, *et seq.* for redress of injuries suffered due to a long-standing and pervasive practice of discrimination; the creation of a hostile work environment; the District’s regular retaliation against Sgt. Jones when he opposed or reported such unlawful employment practices; and the District’s failure to make reasonable accommodations for Sgt. Jones’s disabilities. Sgt. Jones also brings claims for negligent supervision and intentional infliction of emotional distress pursuant to D.C. common law.

PARTIES

10. Sgt. Jones is a resident of Lanham, Maryland and is employed by the District of Columbia through its agent, DOC, as a medical liaison and correctional officer. He has been employed by DOC for over twenty years. Sgt. Jones, as a gay man, is a member of a protected class under the D.C. Human Rights Act, D.C. Code § 2–1402.01 *et seq.*

11. The District of Columbia is a municipal corporation operating through its agent, the District of Columbia DOC.

12. Defendants Lt. Delron Faison, Cpt. Laretta Johnson, Warden Lennard Johnson, and Deputy Warden Kathleen Landerkin were Sgt. Jones’s supervisors at DOC, and Defendant Cpl. LaShawn Lattisaw was one of his coworkers. At all times relevant to this Complaint, Defendants Faison, Laretta Johnson, Lennard Johnson, Landerkin, and Lattisaw were persons acting in the interests of DOC and were employers within the meaning of the D.C. Human Rights

Act. D.C. Code § 2-1401.02(10). Furthermore, they aided, abetted, invited, compelled, and coerced the discriminatory conduct complained of herein in violation of the District of Columbia Human Rights Act, D.C. Code § 2–1402.62.

JURISDICTION AND VENUE

13. This action arises under the D.C. Human Rights Act, D.C. Code § 2–1402.01 *et seq.* and under D.C. common law.

14. This Court has personal jurisdiction over Defendant the District of Columbia, which is a municipal corporation operating through its agent, DOC. DOC is located in Washington, D.C.

15. This Court has personal jurisdiction over Defendants Lt. Delron Faison, Cpt. Laretta Johnson, Warden Lennard Johnson, Deputy Warden Kathleen Landerkin, and Cpl. LaShawn Lattisaw because they were employed by the District of Columbia at all relevant times herein, engaged in the conduct set forth below in the District of Columbia, and caused tortious injury to plaintiff in the District of Columbia. This Court also has personal jurisdiction over Defendants Lt. Delron Faison and Warden Lennard Johnson because they reside in the District of Columbia.

16. This Court has subject matter jurisdiction over Sgt. Jones’s action for discrimination, harassment, hostile work environment, and retaliation pursuant to D.C. Code § 2-1403.16 because Sgt. Jones alleges violations of the D.C. Human Rights Act, and over all of Sgt. Jones’s claims pursuant to D.C. Code § 11-921(a)(6).

17. Venue is proper in this Court because the District of Columbia and its agent, DOC, are located and operate in the District of Columbia, and a substantial portion of the events giving rise to the claims took place in the District of Columbia.

18. This Court has the power to provide injunctive relief pursuant to Rule 65 of the District of Columbia Superior Court Rules of Civil Procedure.

19. Sgt. Jones provided the District, including Mayor Muriel Bowser, with written notice of the approximate time, place, cause, and circumstances of the injuries he experienced on numerous occasions, including on May 6, 2021, May 18, 2021, July 5, 2021, July 12, 2021, September 17, 2021, September 19, 2021, and October 3, 2021. Sgt. Jones also filed numerous incident reports with DOC from July 2019 to the present. Defendant District of Columbia was therefore provided ample opportunity to investigate Sgt. Jones's injuries, and was provided sufficient notice that litigation arising from those injuries was likely to occur in the future.

FACTUAL BACKGROUND

20. In September 1992, Sgt. Jones began employment with DOC. In January 2001, DOC laid off Sgt. Jones pursuant to a reduction-in-force decision. On or around February 6, 2006, DOC rehired Sgt. Jones as a correctional officer in compliance with his recall rights. Sgt. Jones has been employed by DOC continuously ever since.

21. Sgt. Jones is openly gay. Defendants were aware at all relevant times of Sgt. Jones's sexual orientation.

22. Throughout his time at DOC, Sgt. Jones has endured severe discrimination, harassment, a hostile work environment, and retaliation based on his sexual orientation. This abuse has been perpetrated by other DOC correctional officers, inmates, and even DOC supervisory and management staff. Sgt. Jones has been taunted, mocked, harassed, and threatened repeatedly because of his sexual orientation. His concerns have been dismissed or ignored by his superiors, and his reporting of such abuse has often led to further negative and hateful treatment in response. The unrelenting severity of the abuse Sgt. Jones has faced while

on the job has caused him to leave work in tears on multiple occasions, and he has at times feared for his own safety. As a result of this constant abuse, Sgt. Jones suffers from diagnosed PTSD and Major Depressive Disorder.

23. Since 2020, Sgt. Jones has also made multiple requests for reasonable accommodations related to his disabilities, namely Sgt. Jones's uncontrolled diabetes, which puts him at high risk from complications due to COVID-19, and his PTSD and Major Depressive Disorder conditions.

24. Unfortunately, Sgt. Jones's treatment at DOC is nothing new. Defendants' discrimination, harassment, hostile work environment, and retaliation against Sgt. Jones and other gay officers has necessitated legal action by Sgt. Jones on three prior occasions: a January 2000 action against DOC for discrimination and sexual harassment; a December 5, 2006 action brought by both Sgt. Jones and another gay officer, Cpl. Andra Parker, involving claims related to additional acts of discrimination based on their sexual orientation; and a third action brought by Sgt. Jones and Cpl. Parker filed on August 21, 2014 for unlawful retaliation, alleging they were placed on administrative leave and subjected to unwarranted discipline, hostility, and an abusive working environment for complaining to management about disparate treatment and a hostile environment based on their sexual orientation. Each of these actions was settled by DOC prior to trial. Nonetheless, the discrimination, harassment, hostile work environment, and retaliation continued.

25. Since the date of the most recent settlement, on July 16, 2019, Sgt. Jones has continued to face the same negative treatment and abuse at DOC because of his sexual orientation, as well as retaliation for engaging in protected activity by reporting discriminatory and harassing conduct. This current action is intended to address this continued abusive

treatment that occurred from July 16, 2019 to the present, which has only grown more severe and has caused Sgt. Jones physical, emotional, psychological, and other harms beyond what he had previously endured.

Pernicious Use of Gay Slurs, Abusive Treatment, and Threats of Violence

26. Throughout his employment with DOC, Sgt. Jones has endured endless and almost daily abusive comments and gay slurs while on the job. DOC employees, supervisors, and inmates have constantly called Sgt. Jones a “fag,” “faggot,” “sissy,” and other gay slurs. On numerous occasions, inmates have threatened to harm or rape Sgt. Jones after learning that he was gay. DOC has failed to adequately address this egregious behavior, and DOC supervisors have in some cases condoned it. Rather than take appropriate measures to correct this behavior, DOC has instead continued to permit their employees and supervisees to subject Sgt. Jones to harassment and abuse because of his sexual orientation.

1. Abusive and Discriminatory Treatment Leading Up to the Events of this Case

27. Much of the abuse Sgt. Jones has faced because of his sexual orientation came directly from his fellow officers and DOC supervisors. Despite reporting this abuse to his supervisors, nothing was done to correct this behavior.

28. Though the present action focuses on more recent conduct (in particular, conduct that occurred after July 16, 2019), the abuse Sgt. Jones has faced because of his sexual orientation began long before that. Shortly after Sgt. Jones was rehired in February 2006 for example, Senior Cpl. Andre Cobb constantly verbally assaulted Sgt. Jones, taunting him with comments such as “you are a social worker you faggot, you have some pretty lips you sweet ass” and that he would “like to tear you [Sgt. Jones] a new asshole.” This conduct continued for years, with Cpl. Cobb mocking Sgt. Jones that it was in his “sweet nature” to be a social worker (and thus, by implication, not a law enforcement officer).

29. On or around March 4, 2006, Cpl. Cobb assaulted Sgt. Jones and violently twisted Sgt. Jones's arm from behind his back, threatening "we can work this out" in response to Sgt. Jones's complaints to DOC supervisors about Cpl. Cobb's prior abuse.

30. Sgt. Jones also faced threats from inmates during this time period, including an incident in July 2007 where an inmate threatened Sgt. Jones by stating, "we are killers. We kill people *like you* out there." Despite Sgt. Jones reporting all of these hostile actions, DOC supervisors did not meaningfully respond to any of Sgt. Jones's complaints during this time.

31. From September through December 2018, Sgt. Jones also faced harassment based on his sexual orientation from Cpl. Benjamin Olabasusi, who was the vice chair of the DOC union at the time. Cpl. Olabasusi was part of a "brotherhood" of officers at DOC that had a reputation for holding discriminatory views towards women and gay men. Cpl. Olabasusi told Sgt. Jones that if they were in his home country of Nigeria, gay officers like Sgt. Jones would be "beheaded for being faggots." Cpl. Olabasusi encouraged his fellow officers to use gay slurs against Sgt. Jones, and these officers in turn constantly targeted Sgt. Jones and other gay officers with abuse.

32. Defendants Warden Lennard Johnson and Deputy Warden Kathleen Landerkin knew about this behavior. In addition, Sgt. Jones and Cpl. Parker repeatedly reported this conduct to DOC supervisors and Tecora Martin, an EEO Officer who was employed by DOC. Nonetheless, nothing was done.

2. *Abusive and Discriminatory Treatment from DOC Employees and Supervisors After July 16, 2019*

33. The discriminatory treatment of Sgt. Jones by Defendants did not abate following the most recent settlement on July 16, 2019 and instead only grew worse.

34. Around August or September 2019, Cpl. Indya Walker called Sgt. Jones a “faggot” and threatened that she would have her husband “come up there” and “fuck him up.” Harassment of this nature by Cpl. Walker continued for months.

35. Major Rhonda Dorsey investigated Cpl. Walker, who was eventually removed from Sgt. Jones’s unit because of threats she made against Sgt. Jones. However, she was not disciplined for making gay slurs against Sgt. Jones, and she continued to taunt him with various gay slurs even after her removal. Despite Sgt. Jones’s complaints, DOC failed to curtail Cpl. Walker’s behavior.

36. Beginning in the fall of 2019, DOC employees made discriminatory anti-gay remarks to Sgt. Jones after roll call or in passing through the jail. Sgt. Janease Johnson frequently stated to Sgt. Jones “meow faggot” when Sgt. Jones walked near Sgt. Johnson in front of the large recreation yard where roll call was being held and by her office. This abuse continued into January 2020, with Sgt. Janease Johnson taunting and whistling at Sgt. Jones to mock him for being gay.

37. Sgt. Jones reported this conduct to his DOC supervisors, but again nothing was done.

38. Since July 2019, Cpl. Kenisha Jackson frequently and continuously made derogatory and hostile comments to Sgt. Jones and referred to him using gay slurs and other offensive names. For instance, on February 24, 2020, Cpl. Jackson told Sgt. Jones that she “don’t like faggots or sissies” and stared at him with disdain. Cpl. Jackson then told other correctional officers that Sgt. Jones was gay and that she “hate[s] working with faggots.”

39. On March 8, 2020, Sgt. Jones filed an incident report documenting Cpl. Jackson’s continued hostile discriminatory attitude towards him. DOC and Sgt. Jones’s DOC supervisors

did not take any action to stop the behavior or even conduct an investigation. Sgt. Jones also reported this treatment via email to EEO Officer Tecora Martin. Despite Sgt. Jones's repeated requests to investigate his grievances and complaints, EEO Officer Martin failed to do so in any meaningful way.

40. On the morning of May 31, 2020, Defendant Cpl. LaShawn Lattisaw stood directly in front of Sgt. Jones's face and called him a "faggot mess" outside of the roll call room where officers would report for work at the beginning of their shifts. This incident was particularly offensive to Sgt. Jones because Cpl. Lattisaw's invasion of Sgt. Jones's personal space also violated the social distancing guidelines instituted at DOC to avoid the spread of COVID-19. When Sgt. Jones tried to walk into the room to attend roll call, Cpl. Lattisaw stood and blocked the doorway and refused to let Sgt. Jones pass. Cpl. Lattisaw laughed at Sgt. Jones, taunted him, and stared at him in a threatening manner. Sgt. Jones asked to pass by four times to attend roll call, but Cpl. Lattisaw continued to point her hand in Sgt. Jones's face and taunt him.

41. Sgt. Jones approached Cpt. Jesse Wilson distraught and in tears after this incident. Sgt. Jones also filed an incident report with DOC shortly thereafter. Correctional officer Lavern Bess, who witnessed this event, filed a corroborating incident report on June 1, 2020. This type of abuse is exemplary of what Sgt. Jones has continuously faced from DOC employees at the jail since July 2019.

42. The discriminatory treatment of Sgt. Jones continued as he sought different positions within DOC. In May of 2020, Sgt. Jones applied for the Adjustment Board Officer in Charge position and was interviewed by Defendant Deputy Warden Landerkin. Sgt. Jones was highly qualified for the position because he served on administrative adjustment boards at three different institutions and was a senior sergeant with 18 years of experience handling

administrative duties. In July 2020, Sgt. Jones was told he did not receive the position and was never given an explanation or reason why. Sgt. Jones was surprised at this because the position was given to a more junior officer who had only recently been promoted to the sergeant level. Sgt. Jones had previously filed reports against Defendant Deputy Warden Landerkin for discrimination and harassment based on his sexual orientation. Defendant Deputy Warden Landerkin also wrote Sgt. Jones up on seven days during her time in the Deputy Warden position—despite Sgt. Jones having a clean record with no writeups prior to this. Denying Sgt. Jones this position with no explanation, despite his qualifications, further demeaned him because of his sexual orientation and only worsened the hostile work environment he faced.

43. On July 19, 2020, Sgt. Jones sent a letter to EEO Officer Martin reporting that Cpl. Natasha Kornegay allegedly sexually harassed Officer Tyrone Jones.¹ In response, Cpl. Kornegay went to Sgt. Jones's unit and told inmates that Officer Jones and Sgt. Jones were having sex with one another and were both "faggots." She also called Sgt. Jones a "faggot" for helping Officer Jones file a sexual harassment complaint against her.

44. In October 2020, Cpl. Olabasusi stated that Sgt. Jones "was not a good look" for DOC because he was gay. Sgt. Jones reported this behavior, and nothing was done.

45. In March 2021, a Tactical Response Unit ("TRU") officer asked Sgt. Jones "why did they put that faggot up there in Floor Control 2" in the DC Jail and made disparaging remarks about Sgt. Jones and a transgender female inmate. The officer also mocked Sgt. Jones's "gay walk" by mimicking how he walked in front of Sgt. Jones and the inmate.

¹ Officer Tyrone Jones currently has a complaint pending against DOC regarding this harassment before the Superior Court for the District of Columbia, filed on May 19, 2021.

46. Sgt. Jones reported this behavior, and also asked Defendants Warden Lennard Johnson and Lt. Delron Faison not to put this officer on his floor because of these comments and actions. This request was not honored, and the officer was not reprimanded.

47. On March 2, 2021, Sgt. Jones sent six emails to Warden Johnson pleading to be transferred because of the constant gay slurs and threats he was receiving. Warden Johnson did nothing in response.

48. Beginning in March 2021, and becoming more frequent throughout May and June 2021, other DOC employees whispered gay slurs to Sgt. Jones throughout the day over the radio, which Sgt. Jones heard through his walkie talkie.

49. Supervisors were aware of this behavior and did nothing. This includes an incident on May 1, 2021 where an employee called Sgt. Jones a “sissy” over the walkie talkie system, which other officers condoned.

50. On May 3, 2021, a female officer said to Sgt. Jones over the walkie talkie “you hot fag.”

51. Sgt. Jones reported this incident to Defendant Cpt. Laretta Johnson, who was the captain on duty during this time. Cpt. Johnson acknowledged that she heard the slurs on the radio, but did not say anything to stop it.

52. Defendant Deputy Warden Landerkin also had a radio and thus surely heard the persistent abuse of Sgt. Jones, and similarly made no attempts to correct the abusive behavior against Sgt. Jones based on his sexual orientation.

53. Sgt. Jones reported the use of gay slurs over the walkie talkie system to numerous supervisors on multiple occasions, but none reprimanded the officers or otherwise told them to stop this behavior.

54. Also in early 2021, Cpl. Jonathan Evans and Sgt. Goldman Kinsey III stated that Cpl. Andra Parker and Sgt. Jones were “messy faggots.” Cpl. Kaneshia Jackson and Defendant Cpl. Lashawn Lattisaw further threatened Sgt. Jones with physical harm during this time, and they along with Cpl. Evans repeatedly called Sgt. Jones a “faggot.”

55. Throughout 2021, employees at DOC continued to demean Sgt. Jones by referring to him as a “faggot,” both over the radio system and in person. Employees would often call Sgt. Jones “sergeant faggot” to further demean and abuse him because of his sexual orientation.

56. On May 28, 2021, Sgt. Jones emailed Defendant Warden Lennard Johnson, Special Assistant Gizele Ponder, and Major Dorsey recounting incidents of this nature. DOC failed to address Sgt. Jones’s complaints, and the abuse continued.

57. On June 7, 2021, Dennis Nelson Jr., a former DOC facilities management employee, used offensive language toward Sgt. Jones during a meeting. Officers in the meeting called Sgt. Jones a “faggot,” which Mr. Nelson condoned and did nothing to correct. Sgt. Jones left the meeting in tears because Mr. Nelson and the officers present were demeaning and hostile to him. Again, DOC supervisors took no action to correct this abusive treatment of Sgt. Jones.

3. *Abuse from Inmates and DOC’s Failure to Address It After July 16, 2019*

58. On numerous occasions, inmates displayed their genitals to Sgt. Jones, masturbated towards him, and called him gay slurs after learning of his sexual orientation. Many of the inmates learned that Sgt. Jones was gay from Sgt. Jones’s own supervisors or fellow officers who gossiped with the inmates about Sgt. Jones’s sexual orientation.

59. Between July 2020 and May 2021, Sgt. Jones reported these inmates formally to Defendant Lt. Delron Faison and other DOC supervisors. Despite knowledge of these events, Lt. Faison refused to file disciplinary reports on the inmates, and DOC took no action to stop this behavior or reprimand the inmates involved.

60. Sgt. Jones escalated these reports to numerous supervisors, including making reports to DOC Director Quincy Booth, and even informed D.C. Mayor Muriel Bowser of related incidents on July 12, 2021, but nothing was ever done. In contrast, DOC supervisors promptly addressed reports of harassment made by non-gay officers and employees and disciplined the offending inmates.

61. For example, on April 8, 2021, an inmate yelled at Sgt. Jones “fuck you faggot,” removed his genitals from inside his uniform, and then moved his penis around and towards Sgt. Jones. Sgt. Jones filed an incident report after this occurred and informed Defendant Lt. Faison, but Lt. Faison refused to file a disciplinary report.

62. In contrast, two days after Sgt. Jones reported one of these incidents of sexual harassment, an inmate similarly showed his genitals to Kimberly Cooper, a female officer who does not identify as gay. Unlike the handling of Sgt. Jones’s reports, Lt. Faison took immediate action to address Officer Cooper’s report and remove the inmate, even running across the building to help immediately in person.

63. On April 27, 2021, Sgt. Jones filed a report involving another incident of sexual harassment from an inmate. Sgt. Jones instructed the inmate to go to the appropriate floor in the jail. The inmate responded by telling Sgt. Jones “what you think, faggot.” Sgt. Jones then ordered the inmate to return to his unit. The inmate refused and yelled “fuck you, faggot” and that he would “fuck [Sgt. Jones’s] ass,” and then exposed his genitals and pointed them towards Sgt. Jones. DOC again failed to address this situation or take appropriate action to ensure a safe workplace for Sgt. Jones.

64. On May 3, 2021, during “officer appreciation week,” an inmate was accidentally released from his cell, began banging on a door, and refused to stop when instructed. The inmate

then pointed his genitals at Sgt. Jones, who was standing nearby, and said “fuck you faggot” and repeatedly made obscene sexual movements with his genitals towards Sgt. Jones in the hallway.

65. Sgt. Jones filed a disciplinary report charging the inmate with sexual misconduct. Despite Sgt. Jones’s report, DOC supervisors did nothing to address this behavior and did not discipline the inmate. Defendant Lt. Faison also refused to serve a disciplinary report on the inmate or others engaging in similar sexual misconduct towards Sgt. Jones.

66. Inmates continued to abuse Sgt. Jones because of his sexual orientation throughout May 2021 and were able to get away with it due to the complete and intentional failure of DOC to address Sgt. Jones’s reports and complaints. In one of the most frightening incidents, on May 6, 2021, Sgt. Jones was almost assaulted by an inmate while Sgt. Jones was in an elevator. The inmate threatened to sexually assault Sgt. Jones and “cut his throat” and lunged over the gate towards him. Sgt. Jones was shaken and incredibly disturbed by this threat of sexual violence and against his life.

67. Sgt. Jones reported this incident to his supervisors, hoping for the inmate to be disciplined or for any type of relief to ensure his safety. Instead, Sgt. Jones’s supervisors once again did nothing upon receiving this report. Sgt. Jones further recounted this incident to Defendant Warden Lennard Johnson, Special Assistant Gizele Ponder, and Major Dorsey on May 28, 2021, and still nothing was done.

68. On May 6, 2021, Sgt. Jones was again threatened by an inmate after which he called for help on the radio. Defendant Lt. Faison and Lt. Strickland ignored Sgt. Jones and did not respond to the radio call. Lt. Strickland had a close relationship with Lt. Faison, and Sgt. Jones had previously complained about the discriminatory treatment he received from Lt. Faison based on his sexual orientation.

69. On all of these occasions, Sgt. Jones requested help from Defendant Lt. Faison and the TRU, the unit responsible for supervising inmates and ensuring the security of prison staff. Neither Lt. Faison nor the TRU ever showed up. In fact, the TRU stopped responding to Sgt. Jones's calls altogether after Sgt. Jones reported a TRU officer's failure to assist him in handling one of these incidents. Lt. Faison's and the TRU's failure to assist Sgt. Jones when he requested help could have resulted in severe injury to Sgt. Jones.

70. On June 16, 2021, an inmate said in the presence of Sgt. Jones, "bro look at that curly head faggot." Other officers present failed to correct this behavior. Sgt. Jones emailed Mr. Nelson and George Lample, Chief of Support Services, complaining about and recounting this treatment. No action was taken.

71. At around 1:15pm on June 16, 2021, Sgt. Jones was having trouble with his walkie talkie, as the radio signal was being blocked while he was trying to call security. Defendant Cpt. Laretta Johnson heard that Sgt. Jones was having trouble transmitting on his radio but did nothing. Given the recent threats against Sgt. Jones's life by inmates, it was very concerning to him that his radio was not working, and even more concerning that his supervisors who were aware of the hostility of inmates towards him did nothing to address this issue.

72. One hour later, at around 2:15pm on June 16, 2021, an incarcerated individual in NW 2 Floor Control began to harass and threaten Sgt. Jones because of his sexual orientation. The inmate yelled at Sgt. Jones and called him a "faggot" repeatedly. The inmate then started making various sexual comments and threats, yelling to Sgt. Jones "I will fuck you," calling Sgt. Jones "pretty," and aggressively telling Sgt. Jones to "come over." Approximately ten newly recruited correctional officers at DOC stood nearby and witnessed the incident. Rather than call for help or come to Sgt. Jones's aid, they merely laughed at the incident and mocked Sgt. Jones,

condoning the behavior. Sgt. Jones felt incredibly uncomfortable and feared for his safety—to him, the threats of sexual violence were not a joke.

73. When Sgt. Jones filed an incident report, no disciplinary action was taken against the officers. Sgt. Jones's supervisor simply told him that the officers were new and "didn't know better." DOC supervisors consistently failed to correct the anti-gay behavior of DOC officers, who in turn continued to ignore the hostile and anti-gay behavior of inmates towards Sgt. Jones, perpetuating a hostile and abusive work environment for gay officers at the jail.

74. The following day, on June 17, 2021, Sgt. Jones was incredibly distraught from the prior day's events, and was worried about facing the inmates and recruits again because it appeared his supervisors and colleagues would not support him. Despite trying his best to make it through the day, Sgt. Jones had a severe anxiety attack which forced him to leave the facility. Sgt. Jones wrote to DOC EEO Counselor Paulette Johnson and Major Dorsey explaining that he had to take time off because of the continued harassment, bullying, and abuse he faced on the job and the ongoing pain it caused him.

75. Sgt. Jones was later criticized by Defendant Cpt. Johnson and threatened with reprimand for not being at work on this day. As a result, Sgt. Jones was not paid. Sgt. Jones later learned that the Adjustment Board dismissed charges against the inmate related to the June 16 incident.

76. On May 6, 2021, Sgt. Jones emailed D.C. Mayor Muriel Bowser and DOC Director Quincy Booth to describe the abusive treatment he faced at the jail, including the sexual harassment he faced from inmates because of his sexual orientation. He also made clear to the Mayor and DOC Director Booth that Defendant Lt. Faison refused to serve a disciplinary report on inmates charged with sexual misconduct because of his sexual orientation.

77. Additional examples of the continuous abuse and hostile environment Sgt. Jones faced because of his sexual orientation are numerous, and include the following:

- In June 2020, Defendant Deputy Warden Landerkin reassigned Sgt. Jones from Unit SE-3 to Floor Control 2, where inmates assaulted one other, and stabbings, smoking, and drug use occurred regularly. Prior to this, Sgt. Jones had made reports about the discriminatory treatment he faced from Deputy Warden Landerkin. Sgt. Jones had also recently complained about Defendant Cpl. Lattisaw's use of gay slurs towards him outside of the roll call room on May 31, 2020, and Deputy Warden Landerkin often defended Cpl. Lattisaw, including reducing a suspension Cpl. Lattisaw received from 15 days to one day with little explanation.
- In July of 2020, David Barrius, the head of security, asked male inmates—having no reason for suspicion whatsoever—whether Sgt. Jones had offered them sexual favors. He posed this question about Sgt. Jones solely because Sgt. Jones is gay and to harass him; on information and belief, Mr. Barrius did not ask inmates about the possibility of harassment by other DOC personnel.
- On July 19, 2021, Sgt. Jones was distraught to learn that Cpl. Eric King, who repeatedly said to Sgt. Jones “I hate all faggots” during roll call, returned to DOC after being placed on administrative leave for conduct unrelated to his use of gay slurs and other treatment of Sgt. Jones. Despite being disciplined for violating other DOC rules, Cpl. King was never disciplined for his use of gay slurs or any of his other abusive treatment towards Sgt. Jones based on his sexual orientation.

78. Sgt. Jones's supervisors ignored his complaints and failed to take corrective action to address this sexual harassment because of Sgt. Jones's sexual orientation. Many

supervisors themselves were biased against Sgt. Jones, as reflected in their abusive conduct towards him as set forth above. When inmates engaged in verbal abuse, threats, and sexual harassment against other non-gay officers, the TRU, Defendant Lt. Faison, and other DOC supervisors would promptly respond and address the incident. But because Sgt. Jones is gay, his reports and pleas for help were consistently ignored.

79. Since July 2019, Sgt. Jones has made numerous reports to Mayor Bowser and other higher-level officials at DOC, including DOC Director Quincy Booth, describing the countless incidents of abuse he faced at DOC. Sgt. Jones has also filed numerous DOC incident reports, many of which were corroborated by other staff at the jail. Despite this myriad of abuse, Sgt. Jones's complaints were consistently ignored by DOC supervisors, and at times the horrific treatment of Sgt. Jones based on his sexual orientation was even condoned by DOC employees and supervisors.

Retaliation

80. As detailed above, Sgt. Jones made numerous reports and complaints regarding discriminatory acts against him to his supervisors at DOC, DOC Director Quincy Booth, and D.C. Mayor Muriel Bowser from the fall of 2019 onwards. At all relevant times, Defendants were aware of these complaints and yet no meaningful action was taken to address them.

81. As a result of Sgt. Jones's reports and complaints, Sgt. Jones's DOC supervisors, including Defendants Lt. Faison and Cpt. Laretta Johnson, ignored Sgt. Jones when he requested assistance handling difficult and often dangerous situations with inmates.

82. This failure to assist Sgt. Jones when he requested help caused him a great deal of fear and stress and could have resulted in severe physical injury to Sgt. Jones.

83. The reason for this failure to assist Sgt. Jones was to punish him for reporting his colleagues and superiors for their part in the discriminatory and hostile environment he faced, and to dissuade him from making any further complaints or bringing formal discrimination charges.

84. For example, as discussed above in paragraphs 58 through 79, Sgt. Jones made numerous requests for help to Defendant Lt. Faison over the radio when Sgt. Jones was faced with threats of physical and sexual violence from inmates. Yet Lt. Faison ignored Sgt. Jones's repeated radio calls for help and thereby put Sgt. Jones's life and well-being in danger.

85. Lt. Faison ignored Sgt. Jones because Sgt. Jones previously complained about the discriminatory treatment he received from Lt. Faison based on his sexual orientation, and because Sgt. Jones had previously complained about the hostile environment at the jail to DOC, DOC Director Booth, and Mayor Bowser. By contrast, Lt. Faison readily assisted other officers that had filed reports related to abusive treatment from inmates at DOC.

86. Similarly, the TRU stopped responding to Sgt. Jones's calls altogether after Sgt. Jones reported a TRU officer's failure to assist him in handling one of these incidents. As described above, Defendant Cpt. Laretta Johnson was aware of instances where Sgt. Jones was having difficulty communicating through the radio system, but did nothing to assist him despite being aware of the hostility Sgt. Jones often faced from inmates.

87. In addition, the hostile work environment at DOC based on Sgt. Jones's sexual orientation was also retaliatory in nature, as Sgt. Jones was continually subjected to a hostile work environment by Defendants after he reported the discrimination and harassment he faced based on his sexual orientation. In response to Sgt. Jones's numerous complaints, Defendants continually refused to address them or take any action to remediate the situation. Their lack of

action in response to Sgt. Jones's complaints only worsened the hostile work environment that Sgt. Jones endured. Moreover, Defendants' failure to address Sgt. Jones's many complaints sought to dissuade Sgt. Jones from complaining any further about the discrimination he faced, as their inaction made it clear that they would not ameliorate the discrimination and hostile work environment no matter how many reports Sgt. Jones filed.

88. Sgt. Jones was also denied promotions because of his sexual orientation. Most recently, in August 2021 Sgt. Jones applied for the Officer in Charge position for the Medical Holding Unit through Wanda Patten, Deputy Director of Operations at DOC. Sgt. Jones had previously worked in this position several times and as a senior sergeant was well qualified for an Officer in Charge position. The position was instead given to a junior corporal with limited experience, which Sgt. Jones learned in September 2021. Sgt. Jones was initially told that the junior corporal would only be in the position temporarily for two weeks, but the corporal remains in the position as of the date of this complaint. Sgt. Jones was given no explanation why a more junior officer with less qualifications was given an Officer in Charge position (such that the corporal now oversees Sgt. Jones). Sgt. Jones was the more qualified candidate for this position, yet he was denied because of his sexual orientation and as punishment for his multiple complaints against DOC and his superiors for discrimination and a hostile work environment.

Defendants' Failure to Provide Reasonable Accommodations

1. Failure to Provide Reasonable Accommodations to Sgt. Jones Related to His Uncontrolled Diabetes

89. Defendants' failure to provide Sgt. Jones a safe working environment and make reasonable accommodations has caused Sgt. Jones great distress and was inconsistent with their treatment of other DOC staff. While Sgt. Jones's requests were ignored, other officers who—like Sgt. Jones—had health conditions increasing their risk of complications from COVID-19 but

who did not identify as gay, such as Cpl. Almeida Allan, were put on administrative leave upon request. This disparate treatment was due to Sgt. Jones's sexual orientation, and the failure to accommodate Sgt. Jones also violates the District's duty to accommodate individuals with disabilities under the D.C. Human Rights Act.

90. On April 20, 2021, Sgt. Jones filed a complaint with the District of Columbia Office of Human Rights ("OHR") alleging that DOC discriminated against him based on his disability and failed to provide him with reasonable accommodations.

91. On September 3, 2021, OHR administratively dismissed Sgt. Jones's complaint without making a determination on the merits, explaining that "Complainant may file a private cause of action in the D.C. Superior Court." Accordingly, Sgt. Jones now brings these claims before this court.

92. Sgt. Jones has been diagnosed with uncontrolled diabetes, a physical impairment that substantially limits one or more of his major life activities. As a result of his uncontrolled diabetes, Sgt. Jones is at high risk for complications and severe illness from COVID-19.

93. At all relevant times, Sgt. Jones's role at the jail was as "Officer in Charge" of various housing units. The key functions of this role involved a mixture of supervising inmates and junior officers as well as administrative work such as daily reports and evaluations of inmates and officers.

94. Sgt. Jones was and is able to perform the essential functions of his position with a reasonable accommodation for his diabetes.

95. On April 6, 2020, Sgt. Jones's physician sent a letter to Sgt. Jones explaining that because Sgt. Jones is at high risk of serious complications from COVID-19, he should be

liberally allowed the opportunity for social distancing at work, or be allowed to work remotely. Sgt. Jones provided this letter to DOC and requested an accommodation.

96. Sgt. Jones's requests for an accommodation were reasonable. Other officers at high risk of complications from COVID-19 requested to be put on leave, and DOC accommodated them. For example, Cpl. Allan had lung surgery and suffers from respiratory issues. DOC accommodated Cpl. Allan by ensuring she did not have to work in the housing units, providing her with a sit-down position in the visitor hall greeting visitors and scheduling attorney visits with inmates.

97. DOC moreover allowed other DOC employees to work remotely or telework during the COVID-19 pandemic, including Ms. Kathleen Edwards, Cpl. Evans Smith, and Cpl. Shanika Smith. Given Sgt. Jones also spent time completing administrative duties, it was reasonable to request at least some flexibility to work remotely. Even to the extent Sgt. Jones was not able to work remotely, there were also units available without COVID-19 positive inmates where Sgt. Jones could have been moved to supervise. Moreover, it was reasonable to request that social distancing rules be enforced to reduce Sgt. Jones's risk of contracting and suffering potentially severe complications from COVID-19.

98. Despite receipt of Sgt. Jones's doctor's letter and his request for an accommodation, and knowledge of Sgt. Jones's condition and high-risk of complications were he to contract COVID-19, DOC refused to provide Sgt. Jones any accommodation related to his diabetes throughout the 2020-2021 COVID-19 pandemic.

99. DOC also did not adequately enforce social distancing rules, as found twice by a federal district court. *See Banks v. Booth*, 468 F. Supp. 3d 101, 115 (D.D.C. 2020), *appeal dismissed, cause remanded*, 3 F.4th 445 (D.C. Cir. 2021) ("Despite widespread understanding of

the importance of social distancing, Defendants [DOC Director Quincy Booth and Warden Lennard Johnson] have taken insufficient and delayed steps to ensure that social distancing is occurring consistently.”); *Banks v. Booth*, 518 F. Supp. 3d 57, 67 (D.D.C.), *appeal dismissed, cause remanded*, 3 F.4th 445 (D.C. Cir. 2021) (finding “ongoing deficiencies with respect to [DOC’s] enforcement of social distancing.”).

100. As a result, in late April 2020, Sgt. Jones was exposed to inmates who tested positive for COVID-19. Pursuant to his doctor’s orders, Sgt. Jones went on leave to quarantine himself.

101. Upon returning from leave, Sgt. Jones asked not to be placed in a unit that housed inmates who tested positive for COVID-19 given his uncontrolled diabetes. There were several available units without COVID-19 positive inmates, but DOC refused Sgt. Jones’s request. To the contrary, DOC required Sgt. Jones to work alongside inmates known to have tested positive for COVID-19.

2. Failure to Provide Reasonable Accommodations to Sgt. Jones Related to His PTSD and Major Depressive Disorder

102. Sgt. Jones has also been diagnosed with PTSD and Major Depressive Disorder, both of which substantially limit one or more of his major life activities.

103. In a letter dated July 22, 2020, Sgt. Jones’s doctor explained that Sgt. Jones’s symptoms from these disorders “are exacerbated due to his reporting of a hostile work environment” and suggested that Sgt. Jones be reassigned to another post or unit. The letter also recommended that Sgt. Jones be allowed to take scheduled breaks during the workday and be provided an increased ability to telework.

104. Sgt. Jones shared the July 22, 2020 letter with his supervisors and requested accommodations consistent with the suggestions in the letter from Sgt. Jones’s doctor.

105. The abuse became so severe that on February 9, 2021, Sgt. Jones's doctor recommended that Sgt. Jones be moved from his position due to the increased strain that the DOC work environment was causing to his PTSD and Major Depressive Disorder. Sgt. Jones forwarded this recommendation to Ms. Paulette Johnson, a liaison with Human Resources, who decided not to move Sgt. Jones to another position.

106. On March 2, 2021, Dr. Makesha Ann Joyner provided a letter to Sgt. Jones certifying that Sgt. Jones suffers from Major Depressive Disorder and PTSD, recommending again that Sgt. Jones be transferred elsewhere. Sgt. Jones provided this letter to his supervisors, who failed to take any action to transfer Sgt. Jones or address the abusive, anti-gay conduct he was facing daily at the jail.

107. At all relevant times, as noted above, Sgt. Jones's role at the jail was as "Officer in Charge" of various housing units. The key functions of this role involved a mixture of supervising inmates and junior officers as well as administrative work such as daily reports and evaluations of inmates and officers.

108. Sgt. Jones was and is able to perform the essential functions of his position with reasonable accommodations for his PTSD and Major Depressive Disorder. For example, DOC could have moved Sgt. Jones to a different unit in the jail or to a position that involved less contact with the inmates and DOC employees who continually mistreated him based on his sexual orientation. Similarly, an increased ability to telework would have lessened the amount of time Sgt. Jones was subjected to a discriminatory and hostile environment. Scheduled breaks would further allow Sgt. Jones to clear his head and better manage his PTSD and Major Depressive Disorder symptoms. None of these actions would have negatively impacted Sgt. Jones's ability to perform his job.

109. Sgt. Jones's requests for an accommodation were reasonable. Other DOC employees were provided similar accommodations, such as the ability to work remotely during the COVID-19 pandemic as discussed above. DOC went so far as to place other officers in different positions to accommodate their disabilities. For example, Cpl. Evans Smith is diabetic and has a physical disability related to her legs. DOC accommodated Cpl. Smith by placing her in a position outside of the housing unit. Cpl. Anthony Dyson, who also has a physical disability, was similarly accommodated by being placed in a sit-down position outside of the housing units. Officer Tiffany Sumter likewise had a physical ailment, which DOC accommodated by providing her with a maintenance clerk position requiring less physical activity. DOC was thus willing and able to find ways to accommodate many of its employees—just not Sgt. Jones.

110. Despite receipt of the letters and knowledge of Sgt. Jones's PTSD and Major Depressive Disorder, DOC repeatedly refused to make any accommodations to Sgt. Jones related to his PTSD and Major Depressive Disorder while he worked at the jail through August 2021. For example, DOC repeatedly refused to transfer Sgt. Jones to a new unit, and did not otherwise follow any of the suggestions of Sgt. Jones's doctor.

Defendants' Supervision Failures

111. Defendants' failures to make reasonable accommodations as set forth above in paragraphs 89 to 110 also constitute supervision failures.

112. DOC failed to adequately contain the spread of COVID-19 in the jail and create a safe environment for its employees. DOC ignored reports that inmates were failing to wear masks and otherwise follow social distancing rules. Many DOC employees and supervisors also violated and ignored social distancing rules, exacerbating the risks to DOC employees like Sgt. Jones at high risk of complications from COVID-19. *See Banks v. Booth*, 468 F. Supp. 3d 101,

115 (D.D.C. 2020), *appeal dismissed, cause remanded*, 3 F.4th 445 (D.C. Cir. 2021); *Banks v. Booth*, 518 F. Supp. 3d 57, 67 (D.D.C.), *appeal dismissed, cause remanded*, 3 F.4th 445 (D.C. Cir. 2021).

113. Even when DOC did attempt to address unsanitary conditions, they did so in ways that ultimately caused further harm to Sgt. Jones. On February 4, 2021, for example, staff at the jail sprayed chemical agents to sanitize for COVID-19 in large amounts all over the unit where Sgt. Jones was working. The chemical was so pungent and harsh that staff had to leave doors to the various units open because the air had become difficult to breathe. As a result of the heavy spraying, Sgt. Jones ended up with a headache and began to feel severely ill—he vomited from inhaling the chemicals. Sgt. Jones filed a report complaining of this unsafe chemical spraying on the same day.

114. In addition to these failures, Defendants also failed to adequately supervise Sgt. Jones’s workplace on other occasions, resulting in physical injuries to Sgt. Jones as described in more detail below.

1. Slip and Fall Injury Resulting from Failure to Supervise

115. Sgt. Jones suffered injuries at work due to DOC’s failure to adequately supervise employees and provide a safe working environment. Despite his work injuries, DOC and Defendant Deputy Warden Landerkin responded to Sgt. Jones with hostility because of his sexual orientation, treating him differently than how other employees suffering work injuries would have been treated.

116. On November 5, 2020, Sgt. Jones slipped and fell on a wet bathroom floor while working at DOC. Sgt. Jones went to the emergency room at Doctors Community Hospital that day for treatment due to knee and inner thigh pain and was diagnosed with a contusion. On November 9, Sgt. Jones sought follow up treatment at an urgent-care facility and was diagnosed

with a left thigh contusion and a right knee sprain. At a second follow up visit on November 11, Sgt. Jones was diagnosed with a left knee sprain. The injuries were severe enough that Sgt. Jones was unable to work for multiple months.

117. Sgt. Jones filed a claim with the D.C. Office of Risk Management (“ORM”), and on December 28, 2020, ORM found him eligible for temporary total disability wage-loss benefits for November 5 through December 28, 2020, as Sgt. Jones remained out of work.

118. Despite this ORM determination, on January 9, 2021, Major Antoinette Miles sent Sgt. Jones a “certified letter of AWOL” for the period from November 5, 2020 through January 2021 when Sgt. Jones was out on approved workers’ compensation leave due to his workplace injury. A certified letter of AWOL is a disciplinary action that can result in an officer’s suspension or even recommendation for termination. Major Miles sent this letter at the request of her supervisor, Defendant Deputy Warden Landerkin, and the letter was an attempt by Deputy Warden Landerkin to retaliate against Sgt. Jones for making multiple reports against her beginning in June 2020 to Mayor Bowser, former Warden Johnson, DOC Director Quincy Booth and Deputy Director Patten regarding Deputy Warden Landerkin’s discriminatory conduct against him based on his sexual orientation.

2. Illness Resulting from DOC’s Failure to Address Illegal Smoking

119. On July 4 and 5, 2021, Sgt. Jones was forced to leave the CDF facility because inmates were smoking in the jail, which included use of prohibited substances such as marijuana, making it difficult for Sgt. Jones to breathe. Supervisors failed to address this illegal smoking, leaving Sgt. Jones no choice but to take leave. The smoking had a significant impact on Sgt. Jones’s health, giving him a headache, nausea, and causing his eyes and entire face to swell. His reaction was so severe that a CAT scan was ordered by his doctor.

120. For three days after Sgt. Jones returned to DOC, he was sick due to the ongoing smoking, which was ignored by his command supervisors. Sgt. Jones had reported similar smoking events since February 2021, including on March 15, to Defendant Deputy Warden Landerkin, Ben Collins, Director of Security, and other senior managers, but his reports were ignored.

121. Sgt. Jones continued to experience swelling and pain from this incident, and attended an appointment with the Largo Medical Center's Head and Neck Department on July 12, 2021. The results of the CAT scan showed that Sgt. Jones's right sinus was swollen because of the smoke. Sgt. Jones had to go to the emergency room twice due to the severity of the pain and swelling caused by the smoking.

122. After repeated complaints about the smoking, swelling of Sgt. Jones's face, and his worsening health, and upon recommendation from a doctor, DOC finally agreed to temporarily move Sgt. Jones on July 19, 2021 to the Correctional Treatment Facility, where Sgt. Jones now serves in his new role as Acting Supervisor and Liaison for the medical holding units. This transfer was unrelated to Sgt. Jones's requests for accommodations based on his disabilities or his complaints of discrimination and harassment based on his sexual orientation.

Severe Emotional Trauma Suffered by Sgt. Jones

123. The incessant abuse perpetrated against Sgt. Jones at DOC has taken a significant toll on his emotional and psychological well-being and has caused him to live with crippling stress, anxiety, and fear. This suffering could have been avoided had DOC adequately supervised staff at the jail and addressed Sgt. Jones's many complaints in a timely and reasonable manner. Unfortunately, DOC failed to do so—at great detriment to Sgt. Jones.

124. Sgt. Jones has experienced severe anxiety, panic attacks, and low mood on an ongoing basis due to the ongoing conflict, bullying and harassment he faced at DOC. In 2020,

Sgt. Jones attended phone call therapy sessions through Workplace Options, seeking “in the moment support” for ongoing harassment at work. To try and further alleviate his suffering, Sgt. Jones also attended individual and group therapy at this time, seeing a psychiatrist and his family doctor, and seeking support from family and friends to get through each day.

125. Sgt. Jones has also been diagnosed with PTSD and Major Depressive Disorder. In a letter dated July 22, 2020, Sgt. Jones’s doctor explained that Sgt. Jones’s symptoms from these disorders “are exacerbated due to his reporting of a hostile work environment.”

126. Sgt. Jones also has feared for his safety because of DOC’s failure to impose discipline or otherwise respond to threats made against Sgt. Jones because of his sexual orientation by inmates or other DOC staff.

127. Throughout 2020, Sgt. Jones suffered from headaches, nightmares, and night sweats continuously for at least 6-8 months because of ongoing abuse at DOC and the failure of DOC to adequately respond to his complaints and discipline employees and inmates at the jail. Sgt. Jones was constantly exhausted and often found it difficult to cope.

128. In 2021, the emotional, physical, and psychological toll of this abuse only grew worse. During early 2021, Sgt. Jones suffered from more than 15 panic attacks while at work. These panic attacks or other trauma-related events took place at the jail on at least February 19, 2021; March 8, 16, and 31; April 2, 13, and 15; and May 24 and 26. Sgt. Jones had to blow into a bag to calm himself down on some occasions, and on May 24 and 26, 2021, and on other occasions, Sgt. Jones even left work early after suffering severe anxiety and panic attacks. The abuse was so continuous and unbearable that Sgt. Jones had to use over 400 hours of sick and annual leave, despite his desire to work on a consistent basis.

129. On March 11, 2021, after providing letters from his doctor recommending that Sgt. Jones be transferred due to the increased strain that the DOC work environment was causing to his PTSD, Major Depressive Disorder, and anxiety, Sgt. Jones wrote to Ms. Paulette Johnson and Defendant Warden Lennard Johnson that because DOC had not been able to transfer him per his doctor's orders, and due to the traumatic abuse and events inflicted upon him, he would be forced to use his own leave.

130. Sgt. Jones had sleepless nights where he cried in his bed, completely overwhelmed. He felt that DOC was trying hard to force him out from his job, which at times has almost worked given the amount of pain he experiences. To make matters worse, Defendant Lt. Faison threatened to discipline Sgt. Jones if he failed to show up at his post, even when Sgt. Jones's doctor recommended that Sgt. Jones be moved to a different position given the severe trauma inflicted upon him in what was then his current position.

131. On June 17, 2021, Sgt. Jones again had an anxiety attack and had to leave the facility given the ongoing pain and harassment, bullying, and abuse he faced on the job, and the failure of supervisors to do anything about it.

132. On June 23, 2021, Sgt. Jones experienced yet another anxiety attack and left work early. Because of the severity of the abuse, Sgt. Jones did not report to work the following day.

133. Although Sgt. Jones was finally moved to another position outside of the jail—due to his workplace injury from the smoking, not as an accommodation for disability or to protect him from a hostile work environment based on his sexual orientation—he still suffers from the impact of the abuse he faced as a correctional officer and the supervision failures at the jail.

134. Sgt. Jones also continues to face harassment and discriminatory treatment because of his sexual orientation in this new medical liaison role. Defendant Deputy Warden Landerkin is still one of Sgt. Jones's supervisors, and Sgt. Jones continues to be closely monitored and micromanaged by his supervisors because of his prior complaints. Sgt. Jones continues to interact with correctional officers in his new role, and in at least one case a correctional officer used a gay slur towards Sgt. Jones. Although Sgt. Jones no longer works in the jail, the hostile environment Sgt. Jones faced remains a pervasive component of the broader DOC culture.

135. Moreover, even after Sgt. Jones was transferred to this medical liaison role, he continues to experience emotional trauma. On September 9, 2021, after contacting a therapist and experiencing another panic attack, Sgt. Jones was advised to end his shift and go home. Sgt. Jones can never get back the quality of life he lost since July 2019.

CLAIM I

Sexual Orientation Discrimination in Violation of the District of Columbia Human Rights Act § 2-1401.01 et seq.

(against Defendants District of Columbia, Lt. Faison, Cpt. Laretta Johnson, Warden Lennard Johnson, Deputy Warden Landerkin, and Cpl. Lattisaw)

136. The District of Columbia Human Rights Act ("DCHRA") prohibits an employer from discriminating against an employee on the basis of sexual orientation in the enjoyment of all benefits, privileges, terms, and conditions of employment.

137. At all times relevant to this Complaint, Defendants were employers within the meaning of the DCHRA.

138. At all times relevant to this Complaint, Sgt. Jones was an employee within the meaning of the DCHRA.

139. At all times relevant to this Complaint, Sgt. Jones was a member of a protected class. Specifically, Sgt. Jones is gay.

140. As detailed above, Defendant District of Columbia, through its employees and agents, and Defendants Lt. Faison, Cpt. Laretta Johnson, Warden Lennard Johnson, Deputy Warden Landerkin, and Cpl. Lattisaw discriminated against Sgt. Jones by, *inter alia*, subjecting him to harassment, refusing to intervene when he was being harassed by jail inmates, refusing to intervene when he was being harassed by other of DOC's agents or employees, singling him out for discipline, refusing to provide him with other assignments, and denying him promotions because of his sexual orientation. DOC employees and supervisors, including Defendants, persistently called Sgt. Jones gay slurs, and condoned similar behavior and threats made upon Sgt. Jones by inmates. Defendants' actions constitute discrimination in violation of the DCHRA.

141. Defendants' conduct has been intentional, deliberate, and willful and in callous disregard of Sgt. Jones's legal rights.

142. Defendants' actions described above directly and proximately have caused, and continue to cause, Sgt. Jones to suffer loss of wages, loss of benefits, mental anguish, emotional distress, personal humiliation, indignity, embarrassment, inconvenience, stigma, pain and suffering, and damages to his personal and professional reputations, justifying an award including but not limited to damages for emotional distress, compensatory, punitive and consequential damages against Defendants, as well as attorney's fees and costs.

143. Given that Defendants have continued to discriminate against Sgt. Jones despite prior complaints and monetary settlements, it is clear that an award of compensatory damages will not be sufficient to bring an end to their conduct and that injunctive relief is necessary to finally bring an end to years of misconduct and to prevent Sgt. Jones from incurring irreparable harm.

CLAIM II

Hostile Work Environment in Violation of the District of Columbia Human Rights Act § 2-1401.01 et seq.

(against Defendants District of Columbia, Lt. Faison, Cpt. Laretta Johnson, Warden Lennard Johnson, Deputy Warden Landerkin, and Cpl. Lattisaw)

144. At all times relevant to this Complaint, Defendants were employers within the meaning of the DCHRA.

145. At all times relevant to this Complaint, Sgt. Jones was an employee within the meaning of the DCHRA.

146. At all times relevant to this Complaint, Sgt. Jones was a member of a protected class. Specifically, Sgt. Jones is gay.

147. As detailed above, Sgt. Jones was repeatedly subjected to unwanted harassment from Defendant District of Columbia's employees and agents and Defendants Deputy Warden Landerkin and Cpl. Lattisaw. The harassment took the form of, *inter alia*, defamatory and derogatory comments, threats of violence and sexual assault, disparate treatment, and ostracization. This harassment occurred because of Sgt. Jones's sexual orientation. This harassment also affected a term, condition, or privilege of Sgt. Jones's employment insofar as it created a pervasive atmosphere of disrespect, ridicule, insult, discriminatory animus, and a threatening environment to which no employee should have to be subjected.

148. Defendants District of Columbia, Lt. Delron Faison, Cpt. Laretta Johnson, Warden Lennard Johnson, Deputy Warden Kathleen Landerkin, and Cpl. Lashawn Lattisaw knew about the harassment and failed to take any action to prevent it, including by refusing to discipline the perpetrators of the harassment, and refusing to reassign Sgt. Jones after being informed of the harassment.

149. Defendants' actions described above directly and proximately have caused, and continue to cause, Sgt. Jones to suffer loss of wages, loss of benefits, mental anguish, emotional distress, personal humiliation, indignity, embarrassment, inconvenience, stigma, pain and suffering and damages to his personal and professional reputations, justifying an award including but not limited to damages for emotional distress, compensatory, punitive and consequential damages against Defendant, as well as attorney's fees and costs.

150. Given that Defendants have continued to subject Sgt. Jones to a hostile work environment despite prior complaints and monetary settlements, it is clear that an award of compensatory damages will not be sufficient to bring an end to their conduct and that injunctive relief is necessary to finally bring an end to years of misconduct and to prevent Sgt. Jones from incurring irreparable harm.

CLAIM III

Unlawful Retaliation in Violation of the District of Columbia Human Rights Act § 2-1401.01 *et seq.*

(against Defendants District of Columbia, Lt. Faison, Cpt. Laretta Johnson, Warden Lennard Johnson, and Deputy Warden Landerkin)

151. The DCHRA prohibits retaliation against any person who exercises his rights under the Act.

152. As detailed above, Sgt. Jones engaged in statutorily protected activity by opposing treatment that he reasonably believed constituted unlawful discrimination, including repeatedly reporting to his supervisors his complaints of discrimination and the hostile work environment perpetuated by DOC employees, supervisors, and inmates at the jail.

153. As a result of this protected activity, Defendant District of Columbia and its employees and agents, including Defendants Lt. Faison, Cpt. Laretta Johnson, Warden Lennard Johnson, and Deputy Warden Landerkin, took materially adverse actions against Sgt. Jones.

These adverse actions included ignoring Sgt. Jones's calls for help when faced with hostile and abusive inmates, subjecting Sgt. Jones to unwarranted discipline, hostility, and an abusive working environment, and the denial of a promotion. These actions were such that that they would dissuade a reasonable employee from making or supporting a charge of discrimination and/or hostile work environment.

154. The failure of DOC officials and supervisors to respond to Sgt. Jones's requests for help—in contrast to how they handled requests from other officers—and DOC officials' contribution to the hostile work environment by ignoring Sgt. Jones's many complaints, together demonstrate Defendants' hostility to Sgt. Jones's rights. Based on this persistent hostility and the timeline of events discussed, a clear connection exists between Sgt. Jones's protected activity and the adverse actions taken by Defendants and their employees and agents.

155. Defendants' conduct has been intentional, deliberate, and willful and in callous disregard of Sgt. Jones Jones's rights.

156. The actions of Defendants District of Columbia and its employees and agents, including Defendants Lt. Faison, Cpt. Laretta Johnson, Warden Lennard Johnson, and Deputy Warden Landerkin, including the actions described above, directly and proximately have caused, and continue to cause, Sgt. Jones to suffer loss of wages, loss of benefits, mental anguish, emotional distress, personal humiliation, indignity, embarrassment, inconvenience, stigma, pain and suffering and damages to his personal and professional reputations, justifying an award including but not limited to damages for emotional distress, compensatory, punitive and consequential damages against Defendants, as well as attorney's fees and costs.

157. Given that Defendants have continued to retaliate against Sgt. Jones despite prior complaints and monetary settlements, it is clear that an award of compensatory damages will not

be sufficient to bring an end to their conduct and that injunctive relief is necessary to finally bring an end to years of misconduct and to prevent Sgt. Jones from incurring irreparable harm.

CLAIM IV

Failure to Provide Reasonable Accommodations in Violation of the District of Columbia Human Rights Act § 2-1401.01 *et seq.*

(against Defendants District of Columbia, Lt. Faison, Cpt. Laretta Johnson, Warden Lennard Johnson, and Deputy Warden Landerkin)

158. As detailed above, Sgt. Jones was determined by physicians to have impairments that substantially limit one or more of his major life activities. Namely, Sgt. Jones has been diagnosed with uncontrolled diabetes, and is at high risk for complications and severe illness from COVID-19 as a result. He has also been diagnosed with PTSD and Major Depressive Disorder, both of which substantially limit one or more of his major life activities.

159. Sgt. Jones was and is able to perform the essential functions of his position with reasonable accommodations for his diabetes and for his PTSD and Major Depressive Disorder.

160. Sgt. Jones requested accommodations consistent with the recommendations of his doctors. These requests for accommodations were reasonable. Other DOC employees were provided similar accommodations.

161. Despite knowledge of Sgt. Jones's conditions and high-risk of complications were he to contract COVID-19, Defendants District of Columbia, Lt. Faison, Cpt. Laretta Johnson, Warden Lennard Johnson, and Deputy Warden Landerkin did not make any accommodations to Sgt. Jones at any time during the COVID-19 pandemic in 2020 and 2021 related to his uncontrolled diabetes. Nor did Defendants make any accommodations to Sgt. Jones related to his PTSD and Major Depressive Disorder while he worked at the jail through August 2021.

CLAIM V

Intentional Infliction of Emotional Distress

(against Defendants District of Columbia, Lt. Faison, Cpt. Laretta Johnson, Warden Lennard Johnson, Deputy Warden Landerkin, and Cpl. Lattisaw)

162. As detailed above, Defendant District of Columbia's actions, conducted through its employees and agents, and the actions of Defendants Lt. Faison, Cpt. Laretta Johnson, Warden Lennard Johnson, Deputy Warden Landerkin, and Cpl. Lattisaw, directed at Sgt. Jones, have been extreme and outrageous, and included pervasive acts of discrimination, harassment, and a hostile work environment based on Sgt. Jones's sexual orientation, threats of violence, false accusations of inappropriate sexual behavior with inmates, and the refusal of supervisors to address such behavior or assist Sgt. Jones with inmates when help was needed, putting his life and safety at risk. These extreme and outrageous actions resulted in humiliation and severe emotional distress to Sgt. Jones, causing him to undergo therapy, physical symptoms as described, and medical interventions.

163. Such extreme and outrageous acts against Sgt. Jones go beyond all possible bounds of decency and are utterly intolerable in a civilized community.

164. Defendants' actions were without just cause or excuse.

165. Sgt. Jones is entitled to compensatory and punitive damages in an amount to be proven at trial, as well costs as a result of Defendants' intentional infliction of emotional distress.

CLAIM VI

Negligent Supervision

(against Defendants District of Columbia, Lt. Delron Faison, Cpt. Laretta Johnson, Warden Lennard Johnson, and Deputy Warden Kathleen Landerkin)

166. As detailed above, Defendant District of Columbia, through its agent DOC, selected, hired, trained, retained, assigned and supervised all members of its staff, including those named above.

167. Defendants District of Columbia, Lt. Delron Faison, Cpt. Laretta Johnson, Warden Lennard Johnson, and Deputy Warden Kathleen Landerkin knew or should have known that the above-named employees engaged in the illegal discrimination, harassment, hostile work environment, and retaliation of Sgt. Jones based on his sexual orientation, and knew or should have known of the numerous incidents of illegal smoking in the jail.

168. Defendants were negligent and careless when it supervised all members of their staff including, but not limited to, those named above.

169. Due to the negligence of Defendants as set forth above, Sgt. Jones suffered physical and mental injury, pain, and trauma, together with embarrassment, humiliation, shock, and fright. Defendants' negligence also led directly to many of Sgt. Jones's health problems, including sinus swelling and pain from the smoking incidents discussed in paragraphs 119 to 122, resulting in multiple visits to the emergency room and doctors' offices.

170. Sgt. Jones is entitled to compensatory and punitive damages in an amount to be proven at trial, as well as costs as a result of Defendants' negligent supervision.

PRAYER FOR RELIEF

WHEREFORE, Sgt. Jones Deon Jones prays this Court for the following relief:

1. Enter a judgment in Sgt. Jones's favor against Defendants for discrimination, harassment, and a hostile work environment on the basis of sexual orientation, for unlawful retaliation, and for the failure to provide reasonable accommodations for Sgt. Jones's disabilities in violation of the District of Columbia Human Rights Act, D.C. Code § 2-1401.01 *et seq.*;

2. Permanently enjoin all Defendants, their officials, agents, employees, assigns, and all other persons acting in concert or participating with them from discriminating against or harassing Sgt. Jones based on his sexual orientation, creating, maintaining, or contributing to a hostile work environment against Sgt. Jones, retaliating against Sgt. Jones, or otherwise violating the District of Columbia Human Rights Act, D.C. Code § 2-1401.01 *et seq.*;

3. Enter a judgement in Sgt. Jones's favor against Defendants for intentional infliction of emotional distress and negligent supervision in violation of D.C. common law;

4. Award compensatory damages for an amount to be proven at trial;

5. Award punitive damages for an amount to be proven at trial;

6. Award prejudgment and post-judgment interest;

7. Award reasonable attorney's fees and costs incurred in bringing and maintaining this civil action, as allowed by law;

8. Award past and future economic damages for all claims as allowed by law, in an amount to be determined at trial, including, but not limited to, back pay and interest on the same, front pay, and lost benefits;

9. Award past and future non-economic damages for all claims as allowed by law, in an amount to be determined at trial, including, but not limited to, lost earnings capacity, mental suffering, emotional distress, loss of enjoyment of life, humiliation, loss of reputation, and inconvenience; and

10. Award such other and further relief as the interest of justice may require.

JURY TRIAL DEMAND

Sgt. Jones respectfully requests a jury trial for all issues proper to be so tried.

Dated: November 17, 2021

Respectfully submitted,

/s/ Steven F. Cherry

Steven F. Cherry (D.C. Bar No. 431473)

Jamie Yood (D.C. Bar No. 1033919)

Cadene Russell Brooks (D.C. Bar No.
1047641)

Mulu M. Gerima (D.C. Bar No. 1736262)

WILMER CUTLER PICKERING

HALE AND DORR LLP

1875 Pennsylvania Ave. NW

Washington, DC 20006

Tel: (202) 663-6000

Steven.Cherry@wilmerhale.com

Jamie.Yood@wilmerhale.com

Cadene.Brooks@wilmerhale.com

Mulu.Gerima@wilmerhale.com

Thomas F. Costello-Vega

(*pro hac vice* forthcoming)

WILMER CUTLER PICKERING

HALE AND DORR LLP

350 South Grand Avenue, Suite 2400

Los Angeles, CA 90071

Tel: (213) 443-5300

Thomas.Costello-Vega@wilmerhale.com

/s/ Scott Michelman

Scott Michelman (D.C. Bar No. 1006945)

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COLUMBIA

915 15th Street NW, Second Floor

Washington, D.C. 20005

Tel: (202) 601-4267

smichelman@acludc.org

Counsel for Plaintiff Sgt. Deon Jones