

IN THE UNITED STATES DISTRICT  
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

v.

THE NEW MEXICO DEPARTMENT

OF PUBLIC SAFETY,

Defendant

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COMPLAINT

Plaintiff, United States of America, alleges:

1. This action is brought on behalf of the United States to enforce the provisions of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, et sec.

2. This Court has jurisdiction of the action under 42 U.S.C. § 2000e-5(f) and 211 U.S.C. § 1345.

3. This defendant New Mexico Department of Public Safety is a governmental agency of the State of New Mexico created pursuant to the laws of the State of New Mexico. (N. M. Stat. Ann. § 9-19-4 (Michie 1978)).

4. The defendant is a person within the meaning of 42 U.S.C. § 2000e(a) and an employer within the meaning of 42 U.S.C. § 2000e(b).

5. The defendant has subjected Crystel L. Menefee to discrimination in employment on the basis of her sex, female, in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-2 (a), among other ways, by:

(a) Subjecting Ms. Menefee to sexual harassment during her employment in the New Mexico Department of Public Safety which created an intimidating, hostile or offensive work environment and which adversely affected the terms, conditions and privileges of Ms. Menefee's employment; and

(b) Failing or refusing to take appropriate action to remedy the effects of the discriminatory treatment of Ms. Menefee.

6. The Equal Employment Opportunity Commission (EEOC) received a timely charge filed by Ms. Menefee, Charge No. 390-97-1118, in which she alleged that she had been discriminated against on the basis of her sex. Pursuant to Section 706 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-5, the EEOC investigated the charge, found reasonable cause to believe that the allegations of discrimination on the basis of sex were true, attempted unsuccessfully to achieve through

conciliation a voluntary resolution of the charge and subsequently referred the matter to the Department of Justice.

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

Wherefore, the plaintiff prays that this Court grant the following relief:

(a) Award compensatory damages to Crystel L. Menefee as would fully compensate her for injuries caused by the discrimination against her as alleged in this complaint, pursuant to and within the statutory limitations of Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a; and

(b) Require the defendant to take other appropriate nondiscriminatory measures to overcome the effects of the discrimination, including the implementation of an effective program to: address and prevent sexual harassment against females within the ranks; ensure that employees with sexual harassment allegations are not discouraged from bringing forth their complaints; and ensure that all complaints of sexual harassment, including those made to supervisors, are promptly and objectively investigated and resolved.

The plaintiff prays for such additional relief as justice may require, together with its costs and disbursements in this action.

#### JURY DEMAND

The United States hereby demands a trial by jury of all issues so triable pursuant to Rule 38 of the Federal Rules of Civil Procedure and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

Janet Reno Attorney General

By:

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Bill Lann Lee  
Assistant Attorney General  
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