

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT COURT

SALLY DYER,
TERESA ROMERO,
and MANDI ABERNATHY,

Plaintiffs,

vs.

No. D-202-CV-2020-03389

THE CITY OF ALBUQUERQUE, ex rel.
ALBUQUERQUE POLICE DEPARTMENT,

Defendant.

COMPLAINT FOR VIOLATIONS OF THE WHISTLEBLOWER PROTECTION ACT

The reverberation of trauma resulting from rape is incalculable. As a community, we assume that law enforcement is doing everything it can to prevent rape and hold rapists accountable. At the Albuquerque Police Department (“APD”), however, leadership actively frustrated Sex Crimes Unit personnel’s attempts to do just that. Leadership directed unit personnel to stop tracking serial rapists and not communicate with the district attorney’s office about these important cases. Leadership also refused to train its officers in trauma-informed interview techniques, all but ensuring officers retraumatized survivors in their case interviews. At the same time, rape evidence kits sat untested for years as the survivors who submitted to further invasion to ensure adequate evidence was collected of their rape in the hope of achieving some measure of justice in the future, were betrayed yet again—this time by APD. All of this resulted in long delayed justice for survivors in the best cases, no justice in the worst, and more rapes.

Three senior, talented, and devoted female Sex Crimes Unit detectives, the Plaintiffs in this case, spoke out about these concerns and others. And, instead of doing the right thing, doing what

was best for our community and rape survivors, APD Sex Crimes Unit leadership retaliated against them, driving all three from the department. We are all less safe as a result.

Though APD claims it has processed all of its backlogged rape evidence kits, the difficult work lies ahead, and Sex Crimes Unit officers must now actually investigate the cases. But the Sex Crimes Unit is understaffed, its most experienced officers are now gone, and the same leadership that undermined investigations and prosecutions of serial rapists continues to be at the helm of the unit.

COME NOW Plaintiffs, by and through their attorneys, Kennedy Kennedy and Ives, PC and state:

JURISDICTION AND VENUE

This Court has jurisdiction over this action and venue is proper in this district.

PARTIES

1. Plaintiff Sally Dyer, (hereinafter referred to as “Detective Dyer”), a former detective, contractor, and service aide with the APD, was a public employee. She had worked in the APD Sex Crimes Unit, Cold Case Division, until July of 2018, when she was forced to resign.
2. Plaintiff Teresa Caryn Romero, (hereinafter referred to as “Detective Romero”) a former detective with APD, was a public employee. She had worked in the Sex Crimes Unit, Cold Case Division, until January of 2020, when she was forced to resign.
3. Plaintiff Mandi Abernathy, (hereinafter referred to as “Detective Abernathy”) a former detective with APD, was a public employee. She had worked as a detective in the Sex Crimes Unit, Cold Case Division, until December of 2019, when she was forced to resign.
4. Defendant City of Albuquerque, ex rel. APD, (hereinafter referred to as “APD”) is a public body and a political subdivision, department, agency, office, branch, instrumentality, or entity of

state government. It is a “public employer” within the meaning of NMSA 1978, § 10-16C-2(C) (1993).

Factual Background

5. Law enforcement shoulders a heavy burden. Society depends on officers’ skill, dedication, and courage to investigate allegations of criminal acts and to arrest and charge offenders. Officers are responsible for the first steps in achieving justice for crime victims and preventing repeat offenses.

6. Unfortunately, law enforcement does not always afford rape victims the same skill, dedication, and courage it does in investigating nearly any other crime and very serious rape allegations have sat essentially uninvestigated for decades.

7. A rape victim’s first encounter with law enforcement sets the tone for the criminal investigation.

8. Often, interviewing officers have not been trained in trauma-informed interviewing techniques and, as a result, law enforcement hyper-focuses on a victim’s failure to recall the exact details of an assault, despite the neurobiology of trauma, which can cause memory loss.

9. Law enforcement is not immune from rape culture and, in fact, sometimes perpetuates it by scrutinizing a victim’s dress, mental state, motives, and history, which normalizes and excuses rape.

10. Trauma-informed interviewers understand that suggesting a rape victim did anything to cause their rape is in and of itself damaging.

11. Despite the internal directive that APD Sex Crimes Unit officers receive trauma-informed interview training and implement that training in the field, not all APD Sex Crimes Unit officers have actually received this training.

12. This failure to train APD Sex Crimes Unit officers in trauma-informed interview techniques causes officers to retraumatize rape victims during the interview process, wrongly believe a trauma victim's very normal lapses in memory are central to their credibility, and ultimately makes officers less likely to pursue vigorous investigations of rape allegations that would, if undertaken, corroborate victims' statements.

13. Indeed, there are many other tools for investigating rape allegations. Still, instead of employing those tools law enforcement sometimes rests an entire case on a victim's statement and then recommends charges not be filed and the case not be prosecuted because it is purportedly a he-said-she-said situation.

14. One tool that can ensure a case does not solely rest on a single victim's statement is a cross-reference database. When utilized, officers can input information central to a given victim's allegations into the database—the location of an alleged rape; a description of the rapist; the year, make, model and color of a rapist's vehicle; and that the rapist climbed into a home through a window and threatened his victim with a gun, for example. Once such a database is populated, officers can then readily pinpoint similar reports, follow up with victims who may have been victimized by the same rapist (but have different pieces of evidence that the officer can put together), identify serial rapists, and solve crimes.

15. Because cross-reference databases are particularly important for identifying serial rapists and preventing future rapes, APD's Standard Operating Procedures ("SOP") required that the Sex Crimes Unit utilize a cross-reference database.

16. The APD Crime Laboratory had developed such a database for tracking serial burglaries and serial rapists in or about 2010 or 2011, and officers had begun to populate it, but the database was not monitored, officers were not required to input information into it, and the APD Sex Crimes

Unit leadership ordered officers to stop using it in 2017.

17. The Federal Bureau of Investigation (“FBI”) had created another database, the Violent Criminal Apprehension Program (“ViCAP”), in the mid 2000s. To populate that database, the FBI provides widely used software to local law enforcement agencies to track seemingly unrelated murders and rapes. Local law enforcement could then utilize the database, themselves, to identify and apprehend repeat, violent offenders. APD contributed to and utilized ViCAP to identify related homicides, but only briefly used the database to identify serial rapists. Again, Sex Crimes Unit leadership frustrated unit personnel’s use of this resource.

18. At the same time, Detective Dyer was also identifying serial rapists and creating a spreadsheet to track them in her capacity as a contract Civilian Service Aide with APD. She, too, was ordered by the APD Sex Crimes Unit’s leadership to cease her efforts.

19. DNA can also be central to rape investigations.

20. When law enforcement actually interviews known suspects and the suspect denies any sexual contact or when a victim has been assaulted by an unknown assailant, rape evidence kits are critical to a prosecution.

21. However, the same misinformed attitudes about women who have reported rape have also resulted in law enforcement’s failure to process and preserve rape evidence kits like any other evidence.

22. In 2016, New Mexico had the highest per capita rape evidence kit backlog of any state, double the per capita backlog of the next closest state, Michigan.

23. The APD Forensic Lab was responsible for 72% of the state’s backlog, failing to test 3,948 rape evidence kits dating as far back as the 1980s.

24. That means 3,948 rape victims, a vast majority of whom are women, submitted to further

invasion after reporting their rapes and allowed doctors and/or nurses to collect DNA evidence in the hope that their assailants would be prosecuted.

25. But the failure to test their rape evidence kits did not just impact those victims.

26. The Combined DNA Index System (“CODIS”) is a national DNA database maintained by the FBI. “[I]n the case of a sexual assault where an evidence kit is collected from the victim, a DNA profile of the suspected perpetrator is developed from the swabs in the kit. The forensic unknown profile attributed to the suspected perpetrator is searched against their state database of convicted offender and arrestee profiles (contained within the Convicted Offender and Arrestee Indices, if that state is authorized to collect and database DNA samples from arrestees). If there is a candidate match in the Convicted Offender or Arrestee Index, the laboratory will go through procedures to confirm the match and, if confirmed, will obtain the identity of the suspected perpetrator.” <https://www.fbi.gov/services/laboratory/biometric-analysis/codis/codis-and-ndis-fact-sheet>

27. Many rapists are repeat offenders. As a result, tracking DNA collected in rape evidence kits is not only paramount for effective prosecution of sex crimes, it also prevents rapists from raping more people.

28. In 2016, then State Auditor, Tim Keller, conducted a special audit to determine why a backlog of untested rape evidence kits had accumulated in New Mexico and to identify best practices moving forward to ensure it never happened again.

29. According to the audit, among the reasons law enforcement had not tested the rape evidence kits was they simply decided not to do so as a result of bias against women, that same bias negatively impacted law enforcement interviews of victims, and the lack of systems to track and monitor the sexual assault evidence kits, which stood in stark contrast to the systems in place

for other evidence like drugs and guns, for example.

30. To prevent another backlog of processing rape evidence kits, the audit advised, in part, all rape evidence kits be tested pursuant to state law and law enforcement receive training on how to conduct trauma-informed interview techniques, the importance of rape evidence kits, and how to utilize testing results in investigations.

31. In 2018, APD's Forensic Lab was going in the wrong direction and 4,000 rape evidence kits sat untested.

32. Since 2018, APD's Forensic Lab has declared it completed processing the backlogged rape evidence kits, which, if true, would make APD one of the fastest entities in the country to have reduced its backlog.

33. However, at least some of the backlogged rape evidence kits may not have been timely tested because APD Sex Crimes Unit leadership had reprioritized a number of the kits from the backlog because the allegations associated with the kits were purportedly beyond the statute of limitations.

34. Whether a rape evidence kit contains evidence for a crime outside the statute of limitations, it still may contain important evidence for rape or other criminal allegations within the statute of limitations.

35. In addition, Section 30-9-11 NMSA 1978 tolls the applicable statute of limitations for Criminal Sexual Penetration prosecutions until a DNA profile is matched with a suspect unless the applicable statute of limitations expired prior to July 1, 2003. Moreover, First Degree Criminal Sexual Penetration cases (cases where the victim is under the age of thirteen or the victim suffered great bodily or mental harm) are not subject to any statute of limitations.

36. One of the Plaintiffs in this case also went to a meeting in February of 2020 in her capacity

as an employee with a new employer. In that meeting, she learned from Sex Crimes Unit leadership that at least twenty-seven of the backlogged rape evidence kits had not in fact been tested despite APD's contrary public statements.

37. Of the backlogged rape evidence kits that APD did process, approximately 1000 of the kits had a positive DNA match; 450 of those matched a DNA database of persons who had been previously arrested for felonies; and APD's Forensic Lab has identified 200 serial rapists, many of whom are not in custody.

38. Although it is too late for the people who were raped by serial rapists who could have been identified and charged had there not been a backlog, the backlog does not prevent future prosecution of many of the alleged rapists now identified going forward. This would achieve justice for the rape victims in the first instance and serve to prevent more rapes.

39. Now that (at least some of) the backlogged rape evidence kits have been processed, the very difficult work of prosecuting the offenders lies ahead. That work should take the statutory tolling of the statute of limitations into account and depends on adequately staffing the APD Sex Crimes Unit, Cold Case Division; the skill, training, commitment, and experience of the officers in that unit; and APD's cooperation with the Second Judicial District Attorney's Office in communicating the findings of the investigations.

40. But, according to the three former female APD Sex Crimes Unit, Cold Case Division detectives who are the Plaintiffs in this case, APD is not well positioned to do this difficult work going forward and, even before the backlogged rape evidence kits had been tested, the unit's leadership actively undermined its important work.

41. As set forth in more detail below, the Plaintiffs reported very serious concerns about the unit and all of them were retaliated against for so doing, all resulting in three talented, experienced

female officers being driven from APD. Those concerns included, but are not limited to, the following:

- a. Orders to not communicate with the Second Judicial District Attorney's Office about sex crime cases, which communication is necessary for effective prosecution;
- b. Orders to cease populating the cross-reference database;
- c. Inadequate Cold Case Unit staffing, with some officers carrying 350 backlogged cases in addition to a caseload of contemporaneously reported sex crimes;
- d. Slowing the identification of serial rapists by reprioritizing backlogged rape evidence kits by temporarily eliminating some kits from the backlog and therefore testing of any rape evidence kits that were over six years old, despite the ability to prosecute cases from 2003 forward if the rape evidence kits had been tested or if the allegations involved great bodily or mental harm;
- e. The failure of APD to train its officers in trauma-based interviewing, which perpetuates wrong-headed attitudes about trauma victims;
- f. Hiring generally inexperienced officers and untrained civilians with no training or experience in investigations to work on the rape evidence kit backlog, resulting in cases closing without adequate investigations;
- g. Failing to ensure the officers who had careers doing this emotionally taxing work had access to mental health providers and were not ostracized or retaliated against for seeking mental health care or time away from the unit; and,
- h. Hiding a list of serial rapists from officers in the unit and from prosecutors in the Second Judicial District Attorney's Office.

Sally Dyer (“Detective Dyer”)

42. As a former cold case and sex crimes APD detective, Detective Dyer worked on some of the most heinous Albuquerque metropolitan area crimes, including the West Mesa murders and the “Ether Man” rapes.
43. Processing DNA was integral to that work.
44. In 2013, Detective Dyer left APD to care for her young family.
45. Fortunately for the citizens of Albuquerque, former Detective Dyer returned to APD in 2016 to work exclusively on investigating unsolved and unprosecuted rape cases part-time. At that time, she worked for Riven Rock, a temporary agency that subcontracted with APD.
46. When Detective Dyer started, the Sex Crimes Unit, Cold Case Division, was underfunded and awaiting federal grant money to fully staff the effort to clear the rape kit processing backlog. Because all kits could not be tested immediately, APD and community stakeholders had created a prioritization system to determine which kits would be given priority.
47. Because serial rapists are responsible for a high percentage of total rapes, the victims of known serial rapists’ kits were prioritized.
48. Without the backlogged DNA having been processed, serial rapists could only be identified by linked cases.
49. Incredibly, APD did not have a functional database documenting allegations against alleged offenders when former Detective Dyer started.
50. Because of former Detective Dyer’s previous work with APD, she knew how to navigate the many uncoordinated databases. As a result, she had compiled a list of twenty-two serial rapists that she kept posted in her workspace.
51. This work furthered a stated goal for the project.

52. However, when Amanda Wild became sergeant of the Sex Crimes Unit (which included its Cold Case Division) in 2017, she ordered former Detective Dyer to immediately discontinue documenting serial rapists and took away former Detective Dyer's cases that had been assigned to her by the previous sergeant.

53. When former Detective Dyer questioned Sergeant Amanda Wild's ("Sgt. Wild") order, Sgt. Wild told her that she would explain later, but she never did.

54. Throughout former Detective Dyer's time in the Sex Crimes Unit, Cold Case Division under Sgt. Wild's supervision, former Detective Dyer repeatedly raised other serious concerns with Sgt. Wild, the unit's lieutenant, and representatives from the Second Judicial District Attorney's Office that included, but are not limited to, APD's failure to process the rape evidence kits, APD's failure to adequately investigate cases when they were processed, and APD's refusal to cooperate with and provide information to the Second Judicial District Attorney's Office.

55. As a part of the prioritization of processing the backlog, the Sex Crimes Unit's previous sergeant, along with rape crisis advocates, had eliminated rape evidence kits from victims who never reported from the backlog because those victims did not want their kits tested and they had eliminated rape evidence kits from the backlog that in fact had actually been tested. These rape evidence kits were called "takeouts" and would not be tested or retested.

56. After Sgt. Wild began to supervise the unit, a unit detective began to place anything past the six-year statute of limitations on the takeout list.

57. Former Detective Dyer told the detective and Sgt. Wild that placing those rape evidence kits on the takeout list flew in the face of the entire project, which was intended to bring resolution to the victims and identify serial rapists by populating CODIS, and that the six-year statute of limitations was actually not applicable to many of the cases the detective had removed from the

backlog.

58. Sgt. Wild told former Detective Dyer that she supported placing these rape evidence kits on the takeout list and, only after former Detective Dyer explained that advocates would be outraged by the reclassification, did Sgt. Wild agree to change the name of the takeout list to “reprioritized.”

59. Though the name of the list had been changed, rape evidence kits with a so-called six-year statute of limitations continued to be classified with the non-reported. It is not clear whether they were in fact eventually tested.

60. Former Detective Dyer also complained to Sgt. Wild about instances where the same unit detective had closed cases in which there had been a CODIS hit because she assumed the hit was from a consensual partner. The detective had done so without contacting the victim to verify whether or not that was true.

61. Again, Sgt. Wild dismissed former Detective Dyer’s concerns and told her that former Detective Dyer’s expectations were too high for the backlog project.

62. Former Detective Dyer also had concerns about the victim notification procedure. Sgt. Wild’s draft protocol had anticipated only notifying victims if their rape evidence kit had matched to an offender. At a Victims’ Notification meeting, which included rape crisis representatives, the rape crisis representatives rejected this proposal. Former Detective Dyer, pursuant to her duties as an investigative liaison, agreed to a compromise position whereby officers would notify all victims at their last known number but if they could not contact them at that number, no additional effort would be made.

63. Sgt. Wild called former Detective Dyer into her office and suggested the unit did not have the manpower to notify all victims of the results of their rape evidence kits and that any of former

Detective Dyer suggestions must be preapproved by the sergeant before former Detective Dyer made them.

64. Under Sgt. Wild's supervision of the Sex Crimes Unit, communication between APD and the Second Judicial District Attorney's Office suffered.

65. On a number of occasions, former Detective Dyer spoke to/met with representatives of the Second Judicial District Attorney's Office regarding concerns about communication between the district attorney's office and the APD Sex Crimes Unit and its Cold Case Division.

66. In these conversations, former Detective Dyer shared information with the Second Judicial District Attorney's Office representatives about DNA leads resulting from testing on cases already at the district attorney's office, pending review for prosecution. Sgt. Wild did not want this information to be shared with the district attorneys, but former Detective Dyer knew it was imperative that the prosecutors have all pertinent information related to their cases.

67. Sgt. Wild expected Sex Crimes Cold Case Unit employees to process backlog rape evidence kits as quickly as possible, even if that meant the cold case sex crimes were not adequately and thoroughly investigated.

68. Former Detective Dyer brought the untrained officers' failure to adequately investigate before closing a case to Sgt. Wild's attention repeatedly.

69. In retaliation for former Detective Dyer's many complaints about Sgt. Wild's stewardship of the Sex Crimes Unit, generally, and her oversight of the backlog, in particular, in February of 2018, Sgt. Wild altered former Detective Dyer's monthly statistics to "prove" former Detective Dyer was not performing to expectations.

70. Former Detective Dyer reported that she suspected Sgt. Wild had altered her statistics to Lt. Saladin, who was the lieutenant over the Sex Crimes Unit, on February 22, 2018. During that

conversation, Lt. Saladin acknowledged he could see that former Detective Dyer's statistics had been altered from October of 2017 to show she had not done any work and he also said he saw other months that may have been altered, too.

71. One hour after former Detective Dyer reported her concerns related to her timesheet to Lt. Saladin, Sgt. Wild told former Detective Dyer that her part-time civilian position was being eliminated.

72. Because her future with the unit was unclear, former Detective Dyer wrote Lt. Saladin four days later, detailing some of the many concerns she had previously expressed to Sgt. Wild, including that CODIS hits were coming in without the adequate manpower to investigate them. With respect to manpower, in particular, former Detective Dyer complained that Detective Abernathy would never be able to adequately investigate the backlogged cases if she was also on rotation for new sex crime cases. Former Detective Dyer also stated that if Sgt. Wild had altered her statistics, she wanted to file a formal complaint.

73. One day after former Detective Dyer reported her concerns to Lt. Saladin, APD offered former Detective Dyer a sworn part-time position as a Sworn Civilian Service Officer in the APD Cold Case Sex Crimes Unit at twenty-two dollars an hour.

74. Lt. Saladin directed former Detective Dyer to send a memo requesting APD pay for her law enforcement certification by waiver, and APD approved that request.

75. Former Detective Dyer would not be a sworn officer until and unless she received her certification by waiver.

76. Because of APD's promise, former Detective Dyer resigned from Riven Rock and, by extension, her contract position in the APD Sex Crimes Unit, Cold Case Division. She accepted a position at APD as an Uncertified Civilian Service Aide, with the understanding that once certified,

as had been approved, she would be hired as a Sworn Civilian Service Officer. This position paid less than Riven Rock and considerably less than former Detective Dyer would have been paid as a Sworn Civilian Service Officer, but former Detective Dyer had been led to believe the reduction in pay was temporary.

77. On April 25, 2018, Sgt. Wild called former Detective Dyer into her office and yelled at the former detective for communicating with one Second Judicial District Attorney's Office representative about Sgt. Wild's directive not to communicate with district attorneys.

78. In June of 2018, Sgt. Wild told former Detective Dyer that APD Deputy Chief Roger Banez ("Deputy Chief Banez") had ordered former Detective Dyer not to attend the certification class, which was to be held at the New Mexico Department of Public Safety ("DPS") the same month.

79. A week later, former Detective Dyer reached out to Shaun Willoughby, an APD union representative, who informed former Detective Dyer that DPS would only certify full-time officers and that she was, therefore, not cleared to attend DPS's June certification class.

80. When former Detective Dyer contacted her Commander, Paul Duran, he told former Detective Dyer that the part-time position she had been offered was actually full-time.

81. When former Detective Dyer contacted DPS directly, a DPS representative told her that she did not need to be a full-time officer to attend the certification class or to be a certified officer in New Mexico and that he had explained just that to Deputy Chief Banez.

82. Former Detective Dyer also learned that notwithstanding APD's previous approval, it would not pay for her law enforcement certification by waiver and APD intended to move her from the APD Sex Crimes Unit, Cold Case Division.

83. In retaliation for her complaints to Sgt. Wild and her email to Lt. Saladin documenting those complaints, APD never paid former Detective Dyer twenty-two dollars per hour, prohibited

her from attending the DPS certification class to renew her law enforcement certification, refused to allow her to work in the Sex Crimes Unit, Cold Case Division, and filled the position she had held when she was with Riven Rock after claiming it had been eliminated.

84. As a direct result of APD's ongoing and uncorrected retaliation against her for engaging in protected speech, that includes but is not limited to the above, former Detective Dyer was forced to resign on July 16, 2018.

Teresa Romero ("Detective Romero")

85. Detective Romero started working as an officer in 1998 and laterally transferred to APD in 2002.

86. Because of her exemplary performance in the field, Detective Romero was quickly promoted to work as a detective in the APD Violent Crimes Division in 2003.

87. In that capacity, Detective Romero investigated child homicides, child and adult rape cases, and officer-involved shootings.

88. APD policy mandated that following every major incident supervisors conduct a debriefing to ensure the safety and mental well-being of its officers.

89. Of all the countless major incidents Detective Romero has investigated, APD only conducted one such debriefing.

90. Compounding APD's failure to prevent job-related trauma per its own policy, APD does not have any policy on how to address officers' mental health issues when they do manifest as a result of job-related trauma.

91. Detective Romero moved to the Sex Crimes Unit in 2009.

92. In 2016, Detective Romero experienced a "trigger" during a reality-based training wherein she was subjected to hands on scenarios involving use of force and shooting in the field.

93. Post-Traumatic Stress Disorder (“PTSD”) is a mental health condition that can develop after one witnesses or experiences a terrifying event. When a person has PTSD, certain triggers can set off the disorder, causing the strong, traumatic memories to rush back, sometimes making the sufferer feel like they are living through the trauma all over again. The triggers develop because the PTSD sufferer is misprocessing trauma as present, not past, and the sufferer feels terror even when they are objectively safe. Triggers can include sights, sounds, smells, or even thoughts that remind the sufferer of the traumatic event.

94. Detective Romero did not yet know what she was experiencing during the reality-based training was related to PTSD, but her supervisors did. Officer Ray DeFrates (“Officer DeFrates”), the reality-based training instructor, and Sergeant Russ Landavazo (“Sgt. Landavazo”), the then sergeant over the Sex Crimes Unit, sent Detective Romero home.

95. APD’s reality-based training is mandatory and pass/fail. Purportedly, if any officer fails the training for whatever reason, APD provides remedial training and runs the scenario again. If the student fails again on the second attempt, APD should provide additional remedial training and run the officer through the scenario one last time. If the officer is still unable to successfully complete the training, the director of training should be briefed and determine the next course of action.

96. Despite this policy, APD swept Detective Romero’s failure to complete the training under the rug, did not provide remedial training, did not ask Detective Romero to retest, and did not report her failure to pass the training to the Professional Accountability Bureau.

97. Following the 2016 reality-based training, Detective Romero was experiencing acute symptomology, including, but not limited to, acute stress, flashbacks, and severe anxiety, all of which resulted in Detective Romero having difficulty managing job-related stress.

98. In August of 2017, Detective Romero finally sought counseling and was diagnosed with serious and job-impacting mental health diagnoses, including PTSD, which diagnoses resulted from job-related trauma while working for APD.

99. The new sergeant in the Sex Crimes Unit, Sgt. Wild, knew Detective Romero was seeing a counselor for job-related PTSD.

100. Despite knowing that Detective Romero was suffering from PTSD resulting from job-related trauma, Sgt. Wild refused to approve Detective Romero's earned and requested vacation time, but she approved other detectives' vacation requests who had less seniority.

101. In addition, Sgt. Wild generally treated Detective Romero less favorably than some of the other unit detectives, including, but not limited to, breaking protocol on case assignments to assign Detective Romero even more cases than the other detectives carried.

102. In the fall of 2017, Detective Romero again attended APD's reality-based training. Again, Detective Romero experienced a trigger, but it was even more severe than the previous years' trigger.

103. Detective Romero informed Officer DeFrates and Sgt. Wild that she was not able to complete the reality-based training as a result of her PTSD. Again, APD did not follow protocol to help Detective Romero pass the training.

104. At the same time, Detective Romero had concerns about Sgt. Wild's stewardship of the Sex Crimes Unit. In briefings, Detective Romero repeatedly voiced her concerns that the Sex Crimes Unit was not tracking serial rapists and that Sgt. Wild had directed Sex Crimes Unit personnel not to talk to district attorneys. Detective Romero repeatedly stated that Sgt. Wild's policies failed victims of sexual assaults and the citizens of Albuquerque.

105. Detective Romero also questioned Sgt. Wild about why Sgt. Wild had ordered Sex Crimes

Unit officers not to populate or otherwise utilize any cross-reference databases.

106. Because of Detective Romero's complaints and because of her disability, Sgt. Wild became increasingly hostile, including, but not limited to, at one point chasing Detective Romero out of her office, grabbing Detective Romero by the shoulder, and pushing her chest against Detective Romero's body.

107. Though Detective Romero was the most senior detective in the Sex Crimes Unit, Sgt. Wild never temporarily assigned her to be acting sergeant in Sgt. Wild's absence. Instead, the less experienced, male detectives received the temporary promotions and attendant increase in their salaries.

108. On November 9, 2017, Detective Romero voluntarily took Family and Medical Leave Act leave as a result of her job-related trauma which had been substantially aggravated by Sgt. Wild's discrimination against her as a result of her disability and retaliation against her for reporting concerns with the Sex Crimes Unit to Sgt. Wild.

109. On January 2, 2018, Detective Romero returned to work. APD assigned her to "light duty," which meant that she would not do field work, respond to emergencies, participate in reality-based training, or be on-call. Detective Romero also had approval to take two days off a week from January 2018 to November 2018, if needed. Detective Romero was still expected to conduct interviews with both victims and witnesses and work her cases from the office. APD also advised her she should continue to carry her service weapon and practice and qualify on it.

110. As Detective Romero's supervisor, APD made Sgt. Wild aware of Detective Romero's light duty status and what she should and should not be doing, including that Detective Romero was expected to continue to carry her service weapon and practice and qualify on it.

111. Officer DeFrates and Sgt. Wild told Detective Romero she had to participate in reality-

based training unless she provided Officer DeFrates with a medical release so that he could communicate with her therapist.

112. On March 7, 2018, Sgt. Wild called Detective Romero into her office to tell Detective Romero she could not go with her squad to the range that day to practice on her weapon. Sgt. Wild claimed that operations review personnel had reported that they saw Detective Romero with her service weapon and that because Detective Romero was on light duty she was not permitted to carry her service weapon, practice on that weapon, or qualify to carry it.

113. Detective Romero reminded Sgt. Wild that she was actually expected to carry her service weapon and practice and qualify on it. She also told Sgt. Wild that she had not exposed her service weapon to anyone that day and questioned how anyone in operations review would know she was on light duty to begin with. Detective Romero requested Sgt. Wild disclose the names of the personnel who supposedly reported her to both confirm anyone had actually made the false report other than Sgt. Wild and to discover if anyone who should not have information about her light duty status actually did.

114. Sgt. Wild refused to provide the names of the personnel who had purportedly reported Detective Romero. Sgt. Wild also continued to refuse to allow Detective Romero to accompany her squad to the range to practice on her service weapon.

115. Detective Romero told Sgt. Wild that she was going to call APD Human Resources, Risk Management, and the range itself to verify the details of her light duty status.

116. Sgt. Wild told Detective Romero if Detective Romero called Human Resources, Risk Management, or the range to verify her status, she would write Detective Romero up for insubordination.

117. Sgt. Wild did not allow Detective Romero to practice at the range and Sgt. Wild never

identified the operations review staff who purportedly saw Detective Romero with her service weapon.

118. Since March 7, 2018, Sgt. Wild's account of who saw Detective Romero with her service weapon has changed, sometimes claiming she saw the weapon herself and other times claiming other supervisors saw it.

119. On March 9, 2018, Lt. Saladin, Sgt. Wild, and Detective Romero spoke on the phone. In that conversation, Lt. Saladin informed Sgt. Wild that Detective Romero was in fact expected to carry her service weapon and practice and qualify on it. He also told Sgt. Wild that she should not be discussing Detective Romero's private, protected health information with anyone.

120. In the same March 9, 2018, phone call, Detective Romero told Lt. Saladin that Sgt. Wild had woefully mismanaged the Sex Crimes Unit, including but not limited to, failing to track serial rapists and Sgt. Wild's directive that Sex Crimes Unit personnel should not communicate with district attorneys. Detective Romero also asked Sgt. Wild to disclose the operations review personnel who purportedly reported she had displayed her service weapon to determine whether Sgt. Wild had lied about the report or whether someone had her private, confidential health information who should not.

121. Lt. Saladin then told Detective Romero that she was not allowed to return to work because she had missed an employee health appointment in January.

122. Detective Romero told Lt. Saladin that the employee health physician had told her she did not have to go to an employee health appointment until and unless she was released to full-duty status.

123. Lt. Saladin then claimed Detective Romero was not complying with a requirement that she turn in monthly letters from her therapist to Sgt. Wild while she was on light duty status.

124. Detective Romero explained that Sgt. Wild had told her after she turned in one letter from her therapist that she need not do so again until she was able to return to full duty status.

125. Frustrated that she had done everything that had been asked of her, but that she was being told she could not return to work, Detective Romero began to cry. Lt. Saladin laughed and told Detective Romero “You cannot play the PTSD sympathy card all the time” and that she needed to go to employee health to get clearance to return to work and a letter from her therapist that she should still be on light duty.

126. On March 10, 2018, Detective Romero provided a letter from her therapist to APD stating that she should still be on light duty status.

127. On March 12, 2018, Detective Romero went to employee health and employee health inexplicably took her service weapon for one week.

128. On March 19, 2018, Sgt. Wild requested that Detective Romero be placed on administrative leave pending a fitness for duty evaluation.

129. Detective Romero had not exposed her service weapon to anyone on March 7, 2018, but even if she had, pursuant to her light duty conditions, she would have been permitted to do so.

130. Detective Romero has not returned to work, since. But Sgt. Wild and APD have continued to discriminate against Detective Romero as a result of her disability and retaliate against her for her protected speech.

131. In the fall of 2018, while on leave, representatives from the Second Judicial District contacted Detective Romero to alert her that when they had tried to contact her at APD to testify in rape cases, Sgt. Wild stated she had no means of getting in touch with Detective Romero.

132. Detective Romero met with representatives from the Second Judicial District Attorney’s Office and told them about Sgt. Wild’s directive that Sex Crimes Unit personnel not talk to the

district attorney's office and her orders not to track serial rapists. The district attorney asked if they could share what Detective Romero had told them with their supervisor. Detective Romero said they could.

133. While Detective Romero was on leave, APD sent her an internal investigation target notice and forced her to give a statement regarding a rape investigation on February 28, 2019. On information and belief, APD only targeted Detective Romero in the investigation.

134. At that time, Detective Romero was still on leave for the job-related PTSD and revisiting difficulties in the Sex Crimes Unit and Sgt. Wild's discrimination and retaliation against Detective Romero caused Detective Romero additional, significant, and undue stress.

135. During the internal affairs interview, Detective Romero, again, described Sgt. Wild's directives to not create or populate databases to track serial rapists.

136. As a direct result of APD's ongoing retaliation against Detective Romero, that includes but is not limited to the above, and her disability that APD itself had created, Detective Romero was forced to resign from APD in January of 2020.

Mandi Abernathy ("Detective Abernathy")

137. Detective Abernathy had worked for APD for thirteen years, from 2007 to 2009 as an officer and from 2009 to 2019 as a detective.

138. Detective Abernathy started in the APD Sex Crimes Unit in 2009, began taking cold cases in May of 2018, and was officially assigned to the Sex Crimes Unit, Cold Case Division in 2019.

139. Detective Abernathy carried a massive caseload of both current and cold sex crimes cases during the time she was handling both.

140. At one point, her caseload reached 350 cases as a result of the manpower starved Sex Crimes Unit, Cold Case Division.

141. It is not possible to adequately investigate 350 cold sex crimes cases, and Detective Abernathy and the other detectives in the unit had been set up to either close cases without meaningful investigation or to be burdened with an oppressively large caseload. Either option, carried an extreme psychological burden for the detectives in the unit who actually cared about prosecuting and incapacitating rapists and achieving justice for their victims.

142. In addition to being an experienced detective, Detective Abernathy is also a licensed mental health counselor; and from 2015 to the fall of 2019, APD had approved Ms. Abernathy's outside employment providing mental health treatment to other first responders.

143. Throughout her time handling sex crimes cold cases, Detective Abernathy expressed her concerns about the Unit and Division to unit leadership, the union, district attorneys, and officers investigating the unit. She was retaliated against as a result.

144. Initially, the Sex Crimes Unit and the Cold Case Division were well integrated. They had weekly joint briefings and physically resided together in the Family Advocacy Center. This cooperation encouraged communication between the Unit and Division about cases that they were working on, which in turn helped both the Unit and Division solve crimes

145. When Sgt. Wild began to supervise the Sex Crimes Unit and Cold Case Division in 2017, however, she physically separated the two and ceased regular, joint briefings. This separation impeded Unit and Division officers' ability to identify patterns in sex crime cases, which, in turn, impeded their ability to solve sex crime cases.

146. Soon thereafter, Detective Abernathy and another civilian employee approached Sgt. Wild to express their concerns about the separation's impact on investigations.

147. Sgt. Wild responded that she needed to make more room for personnel, but that never happened.

148. Sgt. Wild's demeanor made clear in that meeting that she did not like being questioned about the Sex Crime Unit's operations.

149. Though the Plaintiffs in this case were experienced in sex crimes investigations, APD placed officers in the Sex Crimes Unit, Cold Case Division who did not have experience in investigating sex crimes or cold cases.

150. Throughout Detective Abernathy's time in the Sex Crimes Unit, Cold Case Division, Detective Abernathy approached Sgt. Wild about the people, both civilians and sworn, who had been hired into the Cold Case Division.

151. Detective Abernathy spoke to Sgt. Wild about one such detective who had been placed in the Cold Case Division without any cold case investigation experience in October of 2018. Sgt. Wild had assigned the detective to train with active sex crimes for three months. Because cold cases require additional expertise, Detective Abernathy told Sgt. Wild that the new detective should train with her. Sgt. Wild stated that he needed to learn the basics of sex crime investigations. Detective Abernathy again voiced her concerns.

152. Ultimately, the new detective, like others in the Sex Crimes Unit, Cold Case Division, never received cold case training.

153. Pursuant to the SOP requiring APD Sex Crimes Unit officers be trained in trauma-informed interview techniques, Detective Abernathy requested that Sgt. Wild approve trauma-informed interview training throughout the time Sgt. Wild oversaw the Sex Crimes Unit and Cold Case Division.

154. The Sex Crimes Unit's previous sergeant had encouraged trauma-informed interview training for the unit's detectives at the time.

155. Though many new, untrained officers had been hired into the unit, APD's SOPs required

it, and Detective Abernathy explained the importance of this training to Sgt. Wild, Sgt. Wild denied Ms. Abernathy's requests and was visibly upset by Detective Abernathy having requested it.

156. In early 2018, Detective Abernathy approached Sgt. Wild to express concern that the Sex Crimes Unit was not utilizing ViCAP and was, therefore, not using an available, reliable tool to track serial rapists. Sgt. Wild had not heard of ViCAP.

157. Detective Abernathy spoke to Detective Rich Lewis ("Detective Lewis"), the ViCAP coordinator for APD, about APD's failure to populate ViCAP with any information about serial rapists.

158. Detective Lewis told Detective Abernathy that ViCAP was not updated on a regular basis because of manpower concerns.

159. Knowing that any manpower strain would actually be improved by using an effective cross-reference database and that the Sex Crimes Unit would apprehend more serial rapists if they used the database, Detective Abernathy offered to be the ViCAP training coordinator.

160. Detective Abernathy provided a training in the spring of 2018 for the APD Academy. Sgt. Wild did not attend.

161. Sgt. Wild continued to resist Sex Crimes Unit personnel populating and utilizing ViCAP. Detective Abernathy continued to raise concerns about Sex Crimes Unit personnel not populating and utilizing ViCAP.

162. In November of 2018, APD arrested Timothy Bachicha for kidnapping and raping a woman in late October of 2018.

163. Timothy Bachicha was known to some of the unit detectives as a serial rapist. But he had not appeared in any database as a serial rapist previously and there had not been a coordinated effort to charge and apprehend him.

164. On information and belief, because Timothy Bachicha could have possibly been charged previous to October of 2018 and because he certainly should have appeared in a database of serial rapists, APD Internal Affairs opened an investigation into Sgt. Wild's supervision of the Sex Crimes Unit.

165. In early 2019, APD Internal Affairs interviewed Detective Abernathy about an investigation related to a serial rapist. The investigator asked about the Cold Case Division's failure to track serial rapists and questioned Detective Abernathy about her knowledge of former Detective Dyer's list of serial rapists.

166. Detective Abernathy was honest and explained that Sgt. Wild had ordered the Sex Crimes Unit and Cold Case Division to stop tracking cases and also described her concerns with Sgt. Wild's failure to ensure officers in the unit were trained, Sgt. Wild's separation of the Sex Crimes Unit and Cold Case Division and that there were far too many cases assigned to each officer in both the unit and division.

167. On information and belief, Sgt. Wild learned about Detective Abernathy's interview with Internal Affairs.

168. In the spring of 2019, Sgt. Wild announced that she and another detective would coordinate ViCAP, not Detective Abernathy, in front of the entire Sex Crimes Unit, advocates, and volunteers.

169. Detective Abernathy asked Sgt. Wild why she had been removed, and Sgt. Wild refused to provide any explanation.

170. Sgt. Wild had removed Detective Abernathy from ViCAP in retaliation for Detective Abernathy's reported concerns about Sgt. Wild's stewardship of the Sex Crimes Unit.

171. In August of 2019, Sgt. Wild rescinded her previous approval for Detective Abernathy to attend a training in Jacksonville, Florida.

172. Sgt. Wild had claimed that there was only enough funding for one person to attend, but Detective Abernathy learned that Sgt. Wild was sending a detective and civilian from the Sex Crimes Unit to the training.

173. Sgt. Wild's rescission of Detective Abernathy's training approval was in retaliation for Detective Abernathy's complaints about Sgt. Wild's stewardship of the Sex Crimes Unit.

174. In August of 2019, another officer approached Detective Abernathy about applying for a temporary assignment ("TDY") to the mayor's detail.

175. In recognition of the high demands of their positions and extraordinary stress that officers experience both in the field and while investigating violent crimes, APD encourages TDY assignments to promote employment longevity and officer mental health.

176. Because of the extraordinary stress Detective Abernathy was under in the Sex Crimes Unit and because of Sgt. Wild's retaliation against her for speaking out about the very significant issues with the unit, Detective Abernathy applied for the TDY to the mayor's detail.

177. Sgt. Wild had repeatedly approved TDY's for other detectives in the Sex Crimes Unit who had not reported problems with the unit.

178. On or about early September of 2019, Detective Abernathy saw a two-page letter from Raul Torres, the Second Judicial District Attorney, to APD Chief Geier on the printer in the Sex Crimes Unit, requesting that Sgt. Wild be removed from her position and detailing significant communications issues between the Sex Crimes Unit and the district attorney's office.

179. Around the same time Detective Abernathy saw the letter, on September 5, 2019, Sgt. Wild admonished Detective Abernathy for not quickly closing cases and told Detective Abernathy that she and Lt. Norris were conducting an informal internal investigation for Detective Abernathy's alleged failure to quickly clear cases and abuse of compensation ("comp") and vacation time. Sgt.

Wild also threatened to place Detective Abernathy on a Performance Improvement Plan.

180. To justify her claims, Sgt. Wild misrepresented Detective Abernathy's days off, at the very least including holidays into the total calculation.

181. In addition, Sgt. Wild wrongly claimed that Detective Abernathy had failed to respond to calls from district attorneys and had missed stakeholder meetings.

182. Detective Abernathy had never failed to respond to a district attorney's calls and she had only missed two stakeholder meetings, once when she was moving and another time while she was on vacation.

183. Sgt. Wild also admonished Detective Abernathy for requesting a TDY to the mayor's detail and falsely claimed that Detective Abernathy had taken three TDYs in the previous two years, when in fact, Detective Abernathy had only taken three TDYs in the previous ten-and-a-half years.

184. Because of the extraordinary pressure of the Sex Crimes Unit, Cold Case Division, Detective Abernathy made clear to Sgt. Wild that she needed a temporary assignment to allow her to go forward in the unit doing the very difficult, demanding, and important work and that Sgt. Wild had misrepresented Detective Abernathy's TDY history.

185. Detective Abernathy also explained to Sgt. Wild that Sgt. Wild had grossly misrepresented her days off, generally. Detective Abernathy reminded Sgt. Wild how important days off were to maintain her mental health, that she had actually earned the time, and that Sgt. Wild had previously approved her requests. Detective Abernathy also explained that division detectives who were closing cases quickly in the Cold Case Division were only doing so because they did not have the training to actually investigate the cases and that those detectives were closing cases that should have been forwarded to the district attorney's office for prosecution if Sgt. Wild had given them adequate direction and training. Detective Abernathy explained that rape victims deserved better.

186. Sgt. Wild was visibly upset that Detective Abernathy had challenged her, but conceded that Detective Abernathy's work product was superior to the detectives to whom she had compared Detective Abernathy and that her concerns were not about Detective Abernathy's performance. In fact, Detective Abernathy's performance reviews had been exemplary.

187. Still, Sgt. Wild insisted that Detective Abernathy not take the days off that Detective Abernathy had earned or request TDYs. These denials impacted Detective Abernathy's psychological well-being and were in retaliation for her complaints about Sgt. Wild's stewardship of the Sex Crimes Unit.

188. Detective Abernathy spoke to one of the detectives Sgt. Wild compared her to after the meeting. That detective was not aware of many basic documents detectives rely on to solve cold case investigations, including Office of the Medical Investigator records, 911 recordings, Computer Aided Dispatch (CAD) readouts, Albuquerque Fire Department documents, and old interviews. The same detective was also not reviewing evidence that had been previously collected or going to the scene of a cold case. Instead, he was closing cases pending further review.

189. On September 6, 2019, Detective Abernathy happened to see Union President Willoughby at an annual training and she asked him if anyone from her chain of command had contacted him about purported "abuse" of vacation and comp time.

190. Union President Willoughby said that Lt. Norris had contacted him and represented that there was a detective in the Sex Crimes Unit who had been abusing comp and vacation time and that it was negatively impacting that detective's performance. Union President Willoughby had no idea Lt. Norris had been calling about Detective Abernathy, and he told Detective Abernathy that she could not abuse vacation and comp time because her supervisors had approved it. Union President Willoughby also asked Detective Abernathy if she was comfortable with him reaching

out to APD Deputy Chief Arturo Gonzales (“Deputy Chief Gonzales”) about her situation with Sgt. Wild and Lt. Norris.

191. A few days later, Union President Willoughby let her know that he had left a message with Deputy Chief Gonzales, but had not yet heard back.

192. On September 25, 2019 and September 26, 2019, representatives from the Sex Crimes Unit and Cold Case Division met with representatives from the district attorney’s office to discuss the breakdown in communication between the entities since Sgt. Wild had been promoted to head it.

193. Both Sgt. Wild and Detective Abernathy attended the two-day meeting.

194. Representatives from the district attorney’s office offered to assist with screening cold cases and generally help with the Sex Crimes Unit, Cold Case Division’s caseload.

195. Detective Abernathy described her significant concerns related to the lack of communication between APD and the district attorney’s office regarding sex crimes.

196. Sgt. Wild was upset, angry, frustrated and belligerent in the two-day meeting with Second Judicial District Attorney’s Office representatives.

197. After the meeting, Sgt. Wild ordered that all communication between Sex Crime Unit staff, including the Cold Case Division, and the Second Judicial District Attorney’s Office had to be preapproved by her, the unit lieutenant, and/or the unit commander. Sgt. Wild also ordered unit staff not to tell the district attorney’s office’s staff about her order.

198. Further limiting already strained communications between APD and the district attorney’s office regarding necessary case information about serious sex crimes gravely impacted prosecutions and investigations in Bernalillo County.

199. Sgt. Wild, the unit lieutenant, and the unit commander took weeks to approve communications between Sex Crimes Unit staff and the district attorney’s office when they did

approve a communication. Because of the delay and Detective Abernathy's commitment to aid in prosecuting rapists, Detective Abernathy could not abide by this directive and answered phone calls from district attorney staff without advanced approval.

200. In addition to communicating necessary case details to prosecutors without preapproval, Detective Abernathy also discussed Sgt. Wild's order to cut off communications with the Second Judicial District Attorney's Office with district attorney's office representatives.

201. In October of 2019, the City of Albuquerque refused to approve Detective Abernathy's outside employment for the first time since 2015.

202. Throughout Detective Abernathy's time in the Sex Crimes Unit, Sgt. Wild never appointed Detective Abernathy acting sergeant in Sgt. Wild's absence, denying Detective Abernathy the temporary increase in pay she would have received had Sgt. Wild appointed her.

203. Because Detective Abernathy was a senior detective in the Sex Crimes Unit, by practice, she should have been made acting sergeant when Sgt. Wild was not in the office.

204. Detective Abernathy asked Sgt. Wild about Sgt. Wild's failure to appoint her to acting sergeant, and Sgt. Wild told her that Detective Abernathy was going to go with her to trainings. Detective Abernathy never went with Sgt. Wild to trainings.

205. Also, in October of 2019, Detective Abernathy tested to be a Basic Instructor. APD claimed that she had not passed the test, but would not provide any information about the testing.

206. On information and belief, Detective Abernathy had passed the testing to become a Basic Instructor.

207. As a direct result of APD's retaliation for her protected speech, that includes but is not limited to the above, Detective Abernathy was forced to resign and her long career with APD ended on December 13, 2019.

COUNT I: WHISTLEBLOWER PROTECTION ACT

208. Plaintiffs incorporate all allegations as if fully stated herein.

209. Plaintiffs reported issues of substantial public concern.

210. Plaintiffs communicated to their employer and third parties about actions or failures to act that they believed in good faith constituted unlawful or improper acts and they also refused to participate in Sex Crimes Unit leadership's unlawful orders, including, but not limited to:

- a. On several occasions, all Plaintiffs communicated their concerns with Sex Crimes Unit leadership's directive to not track serial rapists nor utilize cross-reference databases and to clear unit cases without adequate investigation to the sergeant and lieutenant over the unit.
- b. On several occasions, all Plaintiffs reported Sex Crimes Unit leadership's orders to not communicate with the Second Judicial District Attorney's Office to Second Judicial District Attorney's Office representatives and communicated with the Second Judicial District Attorney's Office representatives about cases.
- c. On several occasions, Plaintiffs, former Detective Dyer and Detective Abernathy, reported their concerns about the inexperience of the unit detectives to the sergeant and lieutenant over the Sex Crimes Unit.
- d. On several occasions, Detective Abernathy reported her concern that Sex Crimes Unit detectives were not trained to conduct trauma-informed interviews pursuant to APD SOP.

211. Plaintiffs' protected conduct was a motivating factor when APD adversely changed the terms and conditions of Plaintiffs' employment and discriminated against Detective Romero.

212. APD's stated reasons for every adverse employment action taken and discrimination against Detective Romero are pretextual.

213. Plaintiffs protected conduct was a motivating factor when APD adversely changed the terms and conditions of Plaintiffs' employment and discriminated against Detective Romero.

214. APD's stated reasons for every adverse employment action taken against Plaintiffs and discrimination against Detective Romero are pretextual.

REQUEST FOR RELIEF

WHEREFORE, Plaintiffs seek the following relief:

- I. Actual, compensatory, and special damages sufficient to make Plaintiffs whole;
- II. Two times back pay with interest;
- III. Compensation for all special damages sustained;
- IV. Reasonable attorneys' fees; and
- V. Such other and further relief as the Court deems just and proper.

Respectfully Submitted,

KENNEDY KENNEDY & IVES, PC

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