

IN THE SUPERIOR COURT
OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION

CHARLOTTE DJOSSOU)
5806 Black Hawk Drive)
Oxon Hill, MD 20745)

Plaintiff,) Civil Action No. _____

v.) Jury Demand

DISTRICT OF COLUMBIA)
c/o Office of the Attorney General)
441 – 4th Street, NW)
Washington, DC 20001)

Serve:)

Ms. Gale Rivers,)
Office of the Attorney General)
441 – 4th Street N.W. Suite 600 South,)
Washington, D.C. 20001)

Jed Ross, Esquire, Chief Risk Officer,)
Office of Risk Management,)
441 – 4th Street, N.W., Suite 800 South,)
Washington, D.C. 20001)

Defendant.)

COMPLAINT AND JURY DEMAND

Preliminary Statement

1. Plaintiff Charlotte Djossou (“Sergeant Djossou” or “Plaintiff”), by and through counsel, brings this action against the Metropolitan Police Department (“MPD” or “Defendant”) for back pay and compensatory damages.

Jurisdiction and Venue

2. This court has subject matter jurisdiction over this matter pursuant to D.C. Code §

11-921(a)(6).

3. Venue lies in this court because the events giving rise to Plaintiff's claims occurred in the District of Columbia.

Parties

4. Plaintiff Sergeant Djossou is a citizen of the United States. She currently resides in Oxon Hill, Maryland. The Metropolitan Police Department ("MPD") has employed Sergeant Djossou since 2004.

5. Defendant District of Columbia is a municipal corporation, the local government of Washington, D.C., and operates and governs the MPD pursuant to the laws of the District of Columbia. In this case, the District of Columbia acted through its agents, employees, and servants.

Factual Allegations

Sergeant Djossou's Professional Background

6. Djossou joined the Army in June 1997 and was honorably discharged in June 2001.

7. Djossou was then part of the National Guard from June 2001 to May 2005. In April 2003, Djossou was deployed to Iraq. Djossou returned to the United States, and remained with the National Guard, primarily on inactive status.

8. In September 2004, MPD hired Djossou as an officer. She was at the Police Academy until July 2005, when she was initially assigned to the Fifth District.

9. On June 14, 2009, MPD promoted Djossou to Investigator after she passed a promotion exam, and assigned her to MPD's Youth Division, where she worked on child sex and physical abuse cases.

10. On September 26, 2010, MPD promoted Djossou to Detective (Grade 2) after she passed a promotion exam, and assigned her to the Seventh District, where she worked in the Criminal Investigations Division (CID).

11. On April 8, 2012, MPD promoted Djossou to Sergeant after she passed a promotion exam, and assigned her to the Fourth District, where she worked in a patrol capacity.

12. On February 11, 2014, an opening for a Detective-Sergeant position in the Investigative Services Bureau's criminal investigations division became available. The Detective-Sergeant position is a non-patrol position, is more prestigious than a patrol position, and is a stepping-stone to further advancement in the MPD.

13. Sergeant Djossou applied for a transfer to the Detective-Sergeant position the following day.

14. Sergeant Djossou followed up about her application with her union representative and with then-Assistant Chief Peter Newsham, who supervised the Investigative Services Bureau.

15. Then-Assistant Chief Newsham agreed to recommend Sergeant Djossou for a transfer to a Detective-Sergeant position the next time MPD had an opening. However, then-Assistant Chief Newsham asked Sergeant Djossou if she could instead transfer to the Narcotics Special Investigations Division (NSID) on a temporary assignment, because NSID needed "more women."

16. Sergeant Djossou agreed, with the understanding that then-Assistant Chief Newsham would recommend her transfer to a Detective-Sergeant position when the next opening became available.

MPD Retaliated Against Sergeant Djossou after She Reported MPD's Tactics to Target Men of Color and to Increase the Number of Felonies.

17. In June 2015, while Sergeant Djossou was assigned to the NSID, one of her subordinates, Officer Gregory Brown, reported to her that that Lieutenant James Boteler had been instructing officers to target groups of young men of color, "jump out" at them, and search them without probable cause, which clearly violated their rights under the Fourth Amendment of the United States Constitution. These "jump outs" were only being conducted in neighborhoods with a large number of minority residents, and not in predominately white neighborhoods.

18. On June 30, 2015, Sergeant Djossou reported this illegal tactic to her first-line supervisor, then-Lieutenant Mustafa Haamid. Lieutenant Haamid told her that Lieutenant Boteler should not be giving this illegal instruction.

19. Lieutenant Haamid told Sergeant Djossou that he would tell Commander Robin Hoey about Sergeant Djossou's report of the illegal tactic.

20. The following day, on July 1, 2015, Commander Hoey sent out an email demanding that all the officers cease those practices. He emphasized that the "jump out style tactics" that focused on minorities were contrary to policy and the directives of the Chief of Police. Commander Hoey emphasized that the NSID "was created to counter this type of activity and no one will put this very good and productive unit in jeopardy by doing things that the COP [Chief of Police] says MPDC will never do again. Further anybody who has knowledge of this should bring to my attention and those folks will be removed from this unit. Officials better not be conducting these." Commander Hoey's directive was sent to Lieutenant Haamid, who then forwarded it to Sergeant Djossou.

21. MPD management, including Lieutenant Haamid, began to retaliate against Sergeant Djossou, because they were upset that she had reported this illegal tactic.

22. About two weeks after Sergeant Djossou reported the illegal tactic, Lieutenant Haamid excluded Sergeant Djossou from meetings and activities necessary for performing her job duties, including those relating to operations and fieldwork, thereby adversely affecting her ability to do her work.

23. At the end of July 2015, Lieutenant Haamid began sending Sergeant Djossou emails that made unfounded criticisms of her supervision. This was the first time that Sergeant Djossou's management had ever criticized her supervision of her subordinates.

24. On September 24, 2015, Lieutenant Haamid gave Sergeant Djossou a downgraded performance evaluation and targeted her for discipline. Sergeant Djossou prepared an appeal of her performance evaluation, and submitted it to her union representative. However, she never heard anything further about that appeal, and the downgraded evaluation remains in her personnel file.

25. MPD then investigated Sergeant Djossou for an alleged attendance issue, even though she had never had any prior issues with attendance. MPD was unable to substantiate the claims against her, and the case was closed as unfounded.

26. On October 15, 2015, Sergeant Djossou filed a harassment and hostile work environment complaint against Lieutenant Haamid. MPD conducted an administrative investigation, but closed out the complaint in only four days, on the purported ground that it was a "labor / management issue," not an EEO issue.

27. Lieutenant Haamid also stopped assigning Sergeant Djossou to cover incidents involving arrests. Instead, Lieutenant Haamid consistently assigned Sergeant Djossou to minor incidents, such as car accidents, thereby reducing her opportunities to be credited for promotional purposes. Lieutenant Haamid was transferred out in April 2016, and in his

departure email to his colleagues (including Sergeant Djossou), he apologized for his workplace conduct, writing “For anyone of you who felt that I may have treated unfairly or had a disagreement, may you forgive me, I am only human.” However, MPD took no steps to address his prior discrimination against Sergeant Djossou.

28. In June 2018, Commander John Haines took charge of NSID and instituted policies to increase the number of felony arrests. He openly stated, “we want felonies.” This is due to the fact that NSID officers are financially incentivized to increase these felony numbers through receiving additional overtime due to having to testify in court for felony cases, and through MPD’s promotional system which rewarded officers who handled more important crimes, such as felonies.

29. In June 2018, during a roll call Sergeant Djossou attended, Officer Terry Couch instructed NSID officers to target large groups of men of color in poverty-stricken areas and to search them without probable cause. He also instructed them to violate established Body Worn Camera (BWC) directives by purposely delaying turning on the BWC until after the initiation of the search.

30. Officer Couch also told the officers, including Sergeant Djossou and Sergeant Alvin Cardinal, to use the “snake” tactic, which involved taking two to four MPD cars to largely minority, low-income neighborhoods, locating a group of people — usually people of color — and jumping out and searching the individuals without probable cause.

31. On June 8, 2018, Sergeant Djossou reported to Assistant Chief Robert Contee this illegal tactic that Officer Couch intended to implement – delaying turning on the BWCs, and doing jump out searches without probable cause in minority neighborhoods.

32. On June 8, 2018, Sergeant Djossou also reported to Assistant Chief Contee that

another officer, Officer James Craig, had changed the type of charge entered into the system to cover up that he had made a field arrest that was not justified. Officer Craig also pointed his service weapon at the driver and threatened to kill him during a traffic stop. Assistant Chief Contee initiated a formal investigation of Officer Craig, for a “false arrest.”

33. Commander Haines, Lieutenant Anthony Greene, and Sergeant Alvin Cardinal were present at roll call and approved the directives that Officer Couch gave.

34. Upon reviewing the BWC footage, Commander Haines realized that Officer Craig had in fact made a baseless arrest, ordered an investigation into whether Officer Craig had made a false arrest, and determined that he had, thereby confirming Sergeant Djossou’s disclosure. Officer Craig is white. The MPD disciplined him but did not fire him.

35. On June 18, 2018, MPD retaliated against Sergeant Djossou for her disclosure to Assistant Chief Contee by transferring her to Patrol Services North, in the Fourth District, instead of the more prestigious and open Detective-Sergeant position at the Investigative Services Bureau, which then-Assistant Chief Peter Newsham had promised her in 2014.

36. MPD Internal Affairs further retaliated against Sergeant Djossou by opening up another unfounded disciplinary investigation. MPD closed this investigation as unfounded in or around April 2019.

37. On October 12, 2018, Lieutenant Anthony Washington of the Fourth District also investigated Sergeant Djossou for alleged neglect of duty. MPD closed that investigation on December 31, 2018, for “insufficient facts.”

**MPD Retaliated Against Sergeant Djossou after She Reported
MPD’s Tactic of Misclassifying Felonies as Misdemeanors.**

38. MPD has a long history of trying to distort crime statistics in Washington, D.C., including downgrading felonies to misdemeanors.

39. MPD districts compete against each other to get the largest reduction in the crime statistics. Every summer for the past decade (or longer), each district is told by the Captain or Commander of the need to show the largest reduction in crime statistics as part of the Summer Crime Prevention Initiative. As set forth below, MPD improperly reduced crime statistics by downgrading a number of felonies to misdemeanors, so that there will be “fewer” felonies in the statistics.

40. The promotions of MPD captains and commanders are tied to the size of the reduction in crime statistics in their districts. The Captain whose district has the greatest reduction will be promoted to Commander, and the Commander whose district has the greatest reduction will, in turn, be promoted to Assistant Chief. These promotions also result in a significant salary increase. This practice has continued for a decade or longer.

41. On March 12, 2019, Captain Sean Conboy sent a memo which stated that theft charges should be downgraded to a misdemeanor only if the amount stolen was worth \$25.00 or less. Previously, MPD had no maximum threshold for misdemeanor theft charges. However, despite this directive, other MPD captains and officers then started downgrading other theft charges – for amounts higher than \$25.00 – if the theft could not be solved at all, where for example they could not identify witnesses. The result is that felony thefts were now being recorded as misdemeanors, solely because the theft could not be solved, regardless of the dollar value of what was stolen.

42. On June 14, 2019, Sergeant Djossou reported MPD’s tactic of downgrading felonies to misdemeanors to Commander Randy Griffin. As a result of Sergeant Djossou’s report to Commander Griffin, over 100 “misdemeanors” were upgraded back to felonies.

43. On October 10, 2019, Lieutenant Jarlath Cady gave Sergeant Djossou a poor

performance evaluation. Specifically, he lowered Sergeant Djossou's earlier rating from 39 (overall score of 4, "exceeds expectations") to 24 (overall score of 3, "meets expectations"). Moreover, in 3 of the more subjective areas of the 9 performance dimensions (professionalism; communication; and administrative investigations), she was rated as "needs improvement" (2 on a 1-5 scale). This downgrading was not based on any actual changes in her performance or any other justifiable factor. (On April 28, 2020, Lieutenant Cady submitted the "Justification of Rating," *see* § 59, *infra*.)

44. On October 17, 2019, Sergeant Djossou requested a meeting with Assistant Chief Lamar Greene to discuss her concerns that the downgraded performance evaluation was retaliatory. They met on November 6, 2019 (*infra*).

45. On October 24, 2019, Sergeant Djossou responded to an Assault with a Dangerous Weapon Knife (Domestic Violence) report.

46. At the scene, Sergeant Djossou saw that Lieutenant Tatjana Savoy had downgraded a charge for felony violent crime to a misdemeanor of Simple Assault. This was a domestic violence with knife crime; based on Sergeant Djossou's interview of the complainant, she realized that the severity of the crime made it an unambiguous felony, not a misdemeanor.

47. On October 24, 2019, Sergeant Djossou notified Captain Conboy of Lieutenant Savoy's action in downgrading the charge, but he did not take any corrective action to address the issue. Sergeant Djossou also notified MPD Internal Affairs of this issue.

48. On November 6, 2019, Sergeant Djossou met with Assistant Chief Greene of Patrol Services North. She told Assistant Chief Greene that Commander Griffin was encouraging the downgrading of crimes with no basis to do so. She also told him that MPD was retaliating against her (*i.e.*, the downgraded performance evaluation and the refusal to consider

her for a transfer) due to her report to Captain Conboy about this improper downgrading of felony crimes to misdemeanors.

49. Sergeant Djossou also renewed her request for a transfer to a Detective-Sergeant position. Later that same day, Sergeant Djossou sent a follow-up email to Assistant Chief Greene, in which she reiterated her concerns about retaliation.

50. MPD continued to retaliate against Sergeant Djossou by failing to transfer her to the Detective-Sergeant position in the Investigative Services Bureau's criminal investigations division, as now-Chief Newsham had promised her he would do in 2014.

51. On December 14, 2019, Sergeant Djossou wrote to Chief Newsham, as she still had not heard back about her transfer to a non-patrol assignment. In her email, she set forth her concerns about the misclassification of crimes, and the ensuing retaliation caused by her reports. In response, on December 24, 2019, Chief Newsham and MPD lawyer Mark Veihmeyer offered Sergeant Djossou a settlement agreement to transfer to the First District. She did not sign or agree to this transfer.

52. After Sergeant Djossou's refusal of the transfer to the First District, Commander Griffin retaliated against Sergeant Djossou by having her work eight days straight – four 8-hour days and four 10-hour tours – from December 27, 2019 to January 3, 2020. This was unnecessary and other MPD Sergeants were not similarly required to work eight days straight during this time period.

53. On January 3, 2020, Sergeant Djossou wrote to D.C. Councilmember Charles Allen (Chair, Committee on the Judiciary and Public Safety), to report her concerns that she was being retaliated against for having reported that the Fourth District was underreporting crime statistics in order to claim a greater reduction in crime than warranted. She requested a meeting

with his office to discuss her protected conduct and the retaliation. Councilmember Allen's staff arranged for Sergeant Djossou to testify to the Committee about these issues.

54. On January 16, 2020, Sergeant Djossou, along with Officer Tabitha Knight, testified to the D.C. Council Committee on the Judiciary and Public Safety, at a public hearing that was televised and at which MPD senior management attended.

55. At that hearing, Sergeant Djossou testified that her first whistleblowing report was in July 2015, when she reported the improper targeting and arrests of groups of minority youths (the "jump out" arrests), and that as a result of her reports, Lieutenant Haamid gave her a downgraded evaluation in September 2015 and he initiated an investigation of her for unfounded attendance issues.

56. She also testified that in June 2018, she again reported that the NSID officers were being instructed to target large groups of minority men, in poor neighborhoods, without probable cause, and to do so in violation of the Body Worn Camera orders, and that NSID officers were making improper felony arrests. She testified that after making that report, Assistant Chief Contee retaliated by transferring her to the Fourth District, denying her access to her email, and targeting her again in a disciplinary investigation.

57. She also testified that in 2019, she again reported illegal conduct, which resulted in downgrading her performance evaluation for that year.

58. Although the D.C. Council promised that it would follow up on Sergeant Djossou's reports, it has done nothing to investigate or follow up to the current time. In the meantime, MPD has continued its pattern of retaliation against Sergeant Djossou.

59. On April 28, 2020, MPD Lieutenant Cady submitted a "Justification of Rating" for the downgraded performance rating that he gave Sergeant Djossou on October 10, 2019,

supra. The “Justification of Rating” falsely stated that Lieutenant Cady counseled Sergeant Djossou on June 13, 2019 and issued a PD 62-E (the Job Performance Documentation Form, used to document actions that could lead to discipline or downgraded evaluations) regarding body worn cameras. This was false because she never saw this PD 62-E until it was included with the “Justification of Rating.” Further, the PD 62-E was not even mentioned by Lieutenant Cady during the October 10, 2019 performance rating meeting he had with Sergeant Djossou.

60. The “Justification of Rating” also falsely stated that Lieutenant Charles Barnes-Tutt counseled Sergeant Djossou regarding a use of force investigation on June 8, 2019. As before, Sergeant Djossou did not see the PD 62-E for that investigation until it was included with the “Justification of Rating.” Lieutenant Cady similarly did not even mention this PD 62-E during the October 10, 2019 performance rating meeting he had with Sergeant Djossou. In fact, the PD 62-E for this and the body worn camera incident were created long after the fact, in order to justify the downgraded rating that Lieutenant Cady gave Sergeant Djossou.

61. On May 14, 2020, after Sergeant Djossou submitted a rebuttal, the MPD Performance Rating Appeal Panel upgraded Sergeant Djossou’s rating on seven out of the nine performance areas, so that her overall score went from 24 to 28. However, the Panel still kept her overall rating at 3 (“Meets Expectations”), which was downgraded from the 4 (“Exceeds Expectations”) rating that she had received before her most recent whistleblower complaints.

62. On August 28, 2020, Captain Dustin Bellavance told Sergeant Djossou that Commander Randy Griffin directed him to issue a PD62-E to her for an alleged incident during the roll call on August 23, 2020. The PD62-E stated that that “There was a miscommunication between a member [Officer Daryl Caine] and the Sgt [Djossou] regarding what the expectations are of Crime patrol 404.” This was false, as Sergeant Djossou did not conduct the roll call on

that day. Instead, the roll call on August 23 was conducted by Sergeant James Black at 8:30 p.m., and Sergeant Djossou did not start her shift until 10:30 p.m. The last time that Sergeant Djossou instructed Officer Caine on Crime patrol 404 was when she conducted the roll call on May 16, 2020, and at that time, he understood the scope of that assignment. This PD62-E is further retaliation, since it can be used as the basis for a downgraded performance evaluation or a step towards disciplinary action in the future.

63. On September 15, 2020, Sergeant Djossou met with Commander Griffin to appeal the PD62-E regarding the alleged roll call incident. She explained to him that she did not conduct the roll call on that day, and that Officer Caine already knew the details of Crime patrol 404, as she had previously instructed him on that specific assignment. Commander Griffin agreed with Sergeant Djossou, and wrote to Captain Bellavance, that same day, “Please retract the documentation of counseling.”

64. Recently, MPD admitted that when the U.S. Attorney’s Office had announced a new felon gun initiative to target persons with prior felony convictions who were now illegally possessing a gun (which is itself a felony), that this initiative was geographically targeted to MPD Districts 5, 6, and 7 – which overlap with most of Council Wards 5 and 7 and all of Ward 8. These three Districts have the highest proportion of Black residents. Although MPD and the U.S. Attorney’s Office had stated that this initiative would be enforced citywide, MPD was only enforcing it in those three Districts, which led to its targeting of Black residents. *See* S. Hsu & K. Alexander, “D.C. Crackdown on Gun Crime Targeted Black Wards, Was Not Enforced Citywide as Announced,” *Washington Post* (Sept. 3, 2020).¹ This targeting of Blacks is part of

¹ Online at: https://www.washingtonpost.com/local/legal-issues/dc-crackdown-on-gun-crime-targeted-black-wards-was-not-enforced-citywide-as-announced/2020/09/03/f6de0ce2-e933-11ea-970a-64c73a1c2392_story.html

the same pattern and practice of targeting Blacks that Sergeant Djossou protested when she challenged the use of “jump out” arrests in June 2015 and again in June 2018, and about which she testified to the D.C. Council in January 2020.

65. As a result of the racial targeting of Black residents, 32 federal prosecutors in D.C., all Black, submitted a 10-page memo to Acting U.S. Attorney Michael Sherwin, in which they protested the disproportionate targeting of Blacks through initiatives such as the felon gun initiative. These prosecutors also requested implicit bias training for prosecutors and a new focus on alternatives to incarceration. *See* K. Alexander, “32 Black Federal Prosecutors in Washington Have a Plan to Make the Criminal Justice System More Fair,” *Washington Post* (Sept. 5, 2020).² The prosecutors’ report has validated Sergeant Djossou’s reports.

**COUNT I –
DEPRIVATION OF PLAINTIFF’S RIGHTS UNDER
THE DISTRICT OF COLUMBIA WHISTLEBLOWER PROTECTION ACT,
D.C. CODE ANN. § 1-615.51 et seq.**

66. Plaintiff incorporates as though fully restated herein each of the factual allegations in paragraphs 1 through 65, above.

67. The D.C. Whistleblower Protection Act, D.C. Code Ann. § 1-615.51 *et seq.*, prohibits the District of Columbia and its agencies, including MPD, from taking a prohibited personnel action, or otherwise retaliating against a District of Columbia employee because of the employee’s protected disclosures made to any person, including but not limited to a supervisor, that the employee reasonably believes evidences gross mismanagement, gross misuse or waste of public resources or funds, abuse of authority in connection with the administration of a public program, or a violation of a federal, state, or local law, rule, or regulation.

² Online at: https://www.washingtonpost.com/local/public-safety/32-black-federal-prosecutors-in-washington-have-a-plan-to-make-the-criminal-justice-system-more-fair/2020/09/05/1774d646-ed4b-11ea-ab4e-581eddb849379_story.html

68. Sergeant Djossou was an employee of the District of Columbia who held the rights guaranteed by the District of Columbia Whistleblower Protection Act to freely express her opinions on all public issues and to engage in protected disclosures as defined by the Act.

69. Sergeant Djossou's right to engage in protected disclosures and speak publicly on matters of public concern was clearly established under relevant law at all times relevant to this Complaint.

70. Sergeant Djossou engaged in protected disclosures under the District of Columbia Whistleblower Protection Act (1) in 2015 when she reported to MPD management the scheme to search young black men *en masse* in low-income neighborhoods without probable cause; (2) in 2018 when she reported to MPD management that officers intended to violate Body Worn Camera directives and the excessive force used by an officer in a traffic stop; (3) in 2019 when she reported to MPD management the improper downgrading of charges from felonies to misdemeanors; and (4) on January 16, 2020, when she testified to the D.C. Council. Sergeant Djossou, based on her training and experience, knew or had a reasonable belief that these disclosures all concerned illegal conduct by MPD.

71. Sergeant Djossou's protected disclosures evidenced gross mismanagement of MPD; gross misuse or waste of public funds; an abuse of authority in connection with the administration of MPD; a violation of District of Columbia and federal law; and a substantial and specific danger to the public safety.

72. Sergeant Djossou's protected disclosures led to MPD management's retaliation against her, including but not limited to the following:

73. In 2015, after Sergeant Djossou reported MPD's targeting men of color, MPD management excluded Sergeant Djossou from operations in the field, gave her a poor

performance evaluation, investigated her on a baseless disciplinary allegation, and excluded her from incidents involving arrests.

74. In June 8, 2018, after Sergeant Djossou reported officers being directed to violate Body Worn Camera directives and targeting young men of color in low-income neighborhoods, in violation of the Fourth Amendment to the U.S. Constitution and federal law, MPD management transferred her to Patrol Services North in the Fourth District, instead of the Detective-Sergeant position that Assistant Chief Newsham had promised her, and opened up two investigations of baseless disciplinary charges, both of which were eventually closed. The disciplinary investigations were intended to deter her from continuing to report illegal conduct at MPD.

75. In October 2019, after Sergeant Djossou reported the improper downgrading of felony charges to misdemeanor charges, for the personal economic interests of the MPD officers who did the downgrading, MPD gave her a poor performance evaluation in which her overall rating was downgraded from 4 (Exceeds Expectations) to 3 (Meets Expectations), and she received a 2 (Needs Improvement) in three of the nine performance dimensions. As part of the “justification” for that evaluation, Lieutenant Cady falsely claimed that she had been “counseled” for two performance issues in June of 2019, but neither counseling actually occurred.

76. On November 6, 2019, continuing to the present, after Sergeant Djossou reported the improper downgrading of felony charges to misdemeanors (in order to “improve” the crime statistics) to MPD management and MPD Internal Affairs, MPD again refused to transfer her to a position commensurate with her experience and performance, and had her work 8 days straight, from December 27, 2019 to January 3, 2020, while not assigning other officers at her rank to

similar arduous schedules, and issued a PD62-E with false accusations about her. After Sergeant Djossou testified to the D.C. Council on January 16, 2020, MPD further retaliated against her by giving her a false “Justification of Rating” on April 28, 2020 for the downgraded performance evaluation, and by retroactively issuing two back-dated PD62-E reports.

77. Defendant’s retaliation against Sergeant Djossou, including the false disciplinary charges and the unjustified downgrading of her performance evaluation, were intended to deter her from continuing to report illegal conduct, and to force her to resign from MPD.

78. Defendant’s retaliation against Sergeant Djossou has stopped her advancement in MPD, which has led to economic damages, loss of benefits, and emotional distress and public humiliation.

79. Defendant’s continuing retaliation against Sergeant Djossou will continue to cause her economic injury and emotional distress damages.

80. By retaliating against Sergeant Djossou for her disclosures, Defendant exhibited an extreme reckless disregard of, and callous indifference to, her rights under the D.C. Whistleblower Protection Act. Defendant’s actions described above were in willful and wanton disregard of plaintiff’s rights, and taken in order specifically to injure her for her disclosures of MPD’s gross mismanagement, abuse of authority, and illegal actions.

Requested Relief

NOW WHEREFORE plaintiff prays this court to order the following:

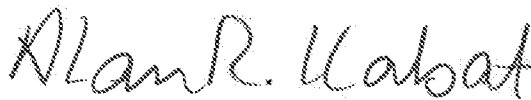
1. Award plaintiff compensatory and consequential damages to redress injuries suffered as a result of the denial of promotions and transfers and the downgraded evaluations, including back pay for lost wages and lost benefits, and front pay for denial of plaintiff’s expected future earnings, in an amount appropriate to the proof presented at trial;

2. Award plaintiff compensatory and consequential damages for defendant's violation of plaintiff's rights secured under the District of Columbia Whistleblower Protection Act, in an amount appropriate to the proof presented at trial;
3. Award plaintiff her attorneys' fees and costs incurred in bringing this action pursuant to D.C. Code § 1-615.54(a)(1)(G);
4. Issue a declaratory judgment declaring that defendant violated plaintiff's statutory rights;
5. Issue an injunction transferring plaintiff into a Detective-Sergeant position in the MPD, into which she would have been transferred but for the retaliation against her as a result of her disclosures of illegal conduct; and
6. Grant such other relief as this court deems just and necessary.

Respectfully submitted,



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Email: raustin@hwglaw.com

DATED: October 9, 2020

Superior Court of the District of Columbia

CIVIL DIVISION- CIVIL ACTIONS BRANCH INFORMATION SHEET

Charlotte Djossou

Case Number: _____

vs

Date: October 9, 2020

District of Columbia

One of the defendants is being sued
in their official capacity.

Name: <i>(Please Print)</i> Lynne Bernabei	Relationship to Lawsuit
Firm Name: Bernabei & Kabat, PLLC	<input checked="" type="checkbox"/> Attorney for Plaintiff
Telephone No.: 202-745-1942 (x 232) Six digit Unified Bar No.: 938936	<input type="checkbox"/> Self (Pro Se)
	<input type="checkbox"/> Other: _____

TYPE OF CASE: Non-Jury 6 Person Jury 12 Person Jury
Demand: \$ over \$25,000 Other: _____

PENDING CASE(S) RELATED TO THE ACTION BEING FILED

Case No.: _____ Judge: _____ Calendar #: _____

Case No.: _____ Judge: _____ Calendar#: _____

NATURE OF SUIT: *(Check One Box Only)*

A. CONTRACTS

COLLECTION CASES

- | | | |
|--|--|---|
| <input type="checkbox"/> 01 Breach of Contract | <input type="checkbox"/> 14 Under \$25,000 Pltf. Grants Consent | <input type="checkbox"/> 16 Under \$25,000 Consent Denied |
| <input type="checkbox"/> 02 Breach of Warranty | <input type="checkbox"/> 17 OVER \$25,000 Pltf. Grants Consent | <input type="checkbox"/> 18 OVER \$25,000 Consent Denied |
| <input type="checkbox"/> 06 Negotiable Instrument | <input type="checkbox"/> 27 Insurance/Subrogation | <input type="checkbox"/> 26 Insurance/Subrogation |
| <input type="checkbox"/> 07 Personal Property | Over \$25,000 Pltf. Grants Consent | Over \$25,000 Consent Denied |
| <input checked="" type="checkbox"/> 13 Employment Discrimination | <input type="checkbox"/> 07 Insurance/Subrogation | <input type="checkbox"/> 34 Insurance/Subrogation |
| <input type="checkbox"/> 15 Special Education Fees | Under \$25,000 Pltf. Grants Consent | Under \$25,000 Consent Denied |
| | <input type="checkbox"/> 28 Motion to Confirm Arbitration
Award (Collection Cases Only) | |

B. PROPERTY TORTS

- | | | |
|---|---|--------------------------------------|
| <input type="checkbox"/> 01 Automobile | <input type="checkbox"/> 03 Destruction of Private Property | <input type="checkbox"/> 05 Trespass |
| <input type="checkbox"/> 02 Conversion | <input type="checkbox"/> 04 Property Damage | |
| <input type="checkbox"/> 07 Shoplifting, D.C. Code § 27-102 (a) | | |

C. PERSONAL TORTS

- | | | |
|---|--|---|
| <input type="checkbox"/> 01 Abuse of Process | <input type="checkbox"/> 10 Invasion of Privacy | <input type="checkbox"/> 17 Personal Injury- (Not Automobile,
Not Malpractice) |
| <input type="checkbox"/> 02 Alienation of Affection | <input type="checkbox"/> 11 Libel and Slander | <input type="checkbox"/> 18 Wrongful Death (Not Malpractice) |
| <input type="checkbox"/> 03 Assault and Battery | <input type="checkbox"/> 12 Malicious Interference | <input type="checkbox"/> 19 Wrongful Eviction |
| <input type="checkbox"/> 04 Automobile- Personal Injury | <input type="checkbox"/> 13 Malicious Prosecution | <input type="checkbox"/> 20 Friendly Suit |
| <input type="checkbox"/> 05 Deceit (Misrepresentation) | <input type="checkbox"/> 14 Malpractice Legal | <input type="checkbox"/> 21 Asbestos |
| <input type="checkbox"/> 06 False Accusation | <input type="checkbox"/> 15 Malpractice Medical (Including Wrongful Death) | <input type="checkbox"/> 22 Toxic/Mass Torts |
| <input type="checkbox"/> 07 False Arrest | <input type="checkbox"/> 16 Negligence- (Not Automobile,
Not Malpractice) | <input type="checkbox"/> 23 Tobacco |
| <input type="checkbox"/> 08 Fraud | | <input type="checkbox"/> 24 Lead Paint |

SEE REVERSE SIDE AND CHECK HERE IF USED

Information Sheet, Continued

C. OTHERS

- | | |
|---|---|
| <input type="checkbox"/> 01 Accounting | <input type="checkbox"/> 17 Merit Personnel Act (OEA) |
| <input type="checkbox"/> 02 Att. Before Judgment | (D.C. Code Title I, Chapter 6) |
| <input type="checkbox"/> 05 Ejectment | <input type="checkbox"/> 18 Product Liability |
| <input type="checkbox"/> 09 Special Writ/Warrants
(DC Code § 11-941) | <input type="checkbox"/> 24 Application to Confirm, Modify,
Vacate Arbitration Award (DC Code § 16-4401) |
| <input type="checkbox"/> 10 Traffic Adjudication | <input type="checkbox"/> 29 Merit Personnel Act (OHR) |
| <input type="checkbox"/> 11 Writ of Replevin | <input type="checkbox"/> 31 Housing Code Regulations |
| <input type="checkbox"/> 12 Enforce Mechanics Lien | <input type="checkbox"/> 32 Qui Tam |
| <input type="checkbox"/> 16 Declaratory Judgment | <input type="checkbox"/> 33 Whistleblower |

II.

- | | | |
|--|---|--|
| <input type="checkbox"/> 03 Change of Name | <input type="checkbox"/> 15 Libel of Information | <input type="checkbox"/> 21 Petition for Subpoena
[Rule 28-I (b)] |
| <input type="checkbox"/> 06 Foreign Judgment/Domestic | <input type="checkbox"/> 19 Enter Administrative Order as
Judgment [D.C. Code § | <input type="checkbox"/> 22 Release Mechanics Lien |
| <input type="checkbox"/> 08 Foreign Judgment/International | 2-1802.03 (h) or 32-151 9 (a)] | <input type="checkbox"/> 23 Rule 27(a)(1)
(Perpetuate Testimony) |
| <input type="checkbox"/> 13 Correction of Birth Certificate | <input type="checkbox"/> 20 Master Meter (D.C. Code § | <input type="checkbox"/> 24 Petition for Structured Settlement |
| <input type="checkbox"/> 14 Correction of Marriage
Certificate | 42-3301, et seq.) | <input type="checkbox"/> 25 Petition for Liquidation |
| <input type="checkbox"/> 26 Petition for Civil Asset Forfeiture (Vehicle) | | |
| <input type="checkbox"/> 27 Petition for Civil Asset Forfeiture (Currency) | | |
| <input type="checkbox"/> 28 Petition for Civil Asset Forfeiture (Other) | | |

D. REAL PROPERTY

- | | |
|--|--|
| <input type="checkbox"/> 09 Real Property-Real Estate | <input type="checkbox"/> 08 Quiet Title |
| <input type="checkbox"/> 12 Specific Performance | <input type="checkbox"/> 25 Liens: Tax / Water Consent Granted |
| <input type="checkbox"/> 04 Condemnation (Eminent Domain) | <input type="checkbox"/> 30 Liens: Tax / Water Consent Denied |
| <input type="checkbox"/> 10 Mortgage Foreclosure/Judicial Sale | <input type="checkbox"/> 31 Tax Lien Bid Off Certificate Consent Granted |
| <input type="checkbox"/> 11 Petition for Civil Asset Forfeiture (RP) | |

Lynne Bernabei /AL

Attorney's Signature

October 9, 2020

Date



Superior Court of the District of Columbia
CIVIL DIVISION
Civil Actions Branch
500 Indiana Avenue, N.W., Suite 5000 Washington, D.C. 20001
Telephone: (202) 879-1133 Website: www.dccourts.gov

Charlotte Djossou

 Plaintiff

vs.

Case Number _____

District of Columbia

 Defendant

SUMMONS

To the above named Defendant:

You are hereby summoned and required to serve an Answer to the attached Complaint, either personally or through an attorney, within twenty one (21) days after service of this summons upon you, exclusive of the day of service. If you are being sued as an officer or agency of the United States Government or the District of Columbia Government, you have sixty (60) days after service of this summons to serve your Answer. A copy of the Answer must be mailed to the attorney for the plaintiff who is suing you. The attorney's name and address appear below. If plaintiff has no attorney, a copy of the Answer must be mailed to the plaintiff at the address stated on this Summons.

You are also required to file the original Answer with the Court in Suite 5000 at 500 Indiana Avenue, N.W., between 8:30 a.m. and 5:00 p.m., Mondays through Fridays or between 9:00 a.m. and 12:00 noon on Saturdays. You may file the original Answer with the Court either before you serve a copy of the Answer on the plaintiff or within seven (7) days after you have served the plaintiff. If you fail to file an Answer, judgment by default may be entered against you for the relief demanded in the complaint.

Lynne Bernabei

Clerk of the Court

 Name of Plaintiff's Attorney

Bernabei & Kabat PLLC, 1400 - 16th Street NW # 500

By _____

Address

Washington, D.C. 20036-2223

Deputy Clerk

202-745-1942 (x 232)

Date _____

Telephone

如需翻译, 请打电话 (202) 879-4828

Veillez appeler au (202) 879-4828 pour une traduction

Đề có một bài dịch, hãy gọi (202) 879-4828

번역을 원하 시면, (202) 879-4828 로 전화 주십시오. የአማርኛ ትርጉም ለማግኘት (202) 879-4828 ይደውሉ

IMPORTANT: IF YOU FAIL TO FILE AN ANSWER WITHIN THE TIME STATED ABOVE, OR IF, AFTER YOU ANSWER, YOU FAIL TO APPEAR AT ANY TIME THE COURT NOTIFIES YOU TO DO SO, A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY DAMAGES OR OTHER RELIEF DEMANDED IN THE COMPLAINT. IF THIS OCCURS, YOUR WAGES MAY BE ATTACHED OR WITHHELD OR PERSONAL PROPERTY OR REAL ESTATE YOU OWN MAY BE TAKEN AND SOLD TO PAY THE JUDGMENT. IF YOU INTEND TO OPPOSE THIS ACTION, DO NOT FAIL TO ANSWER WITHIN THE REQUIRED TIME.

If you wish to talk to a lawyer and feel that you cannot afford to pay a fee to a lawyer, promptly contact one of the offices of the Legal Aid Society (202-628-1161) or the Neighborhood Legal Services (202-279-5100) for help or come to Suite 5000 at 500 Indiana Avenue, N.W., for more information concerning places where you may ask for such help.

See reverse side for Spanish translation
 Ve al dorso la traducción al español



TRIBUNAL SUPERIOR DEL DISTRITO DE COLUMBIA
DIVISIÓN CIVIL
Sección de Acciones Civiles
500 Indiana Avenue, N.W., Suite 5000, Washington, D.C. 20001
Teléfono: (202) 879-1133 Sitio web: www.dccourts.gov

Demandante	
contra	
Demandado	
	Número de Caso: _____

CITATORIO

Al susodicho Demandado:

Por la presente se le cita a comparecer y se le requiere entregar una Contestación a la Demanda adjunta, sea en persona o por medio de un abogado, en el plazo de veintiún (21) días contados después que usted haya recibido este citatorio, excluyendo el día mismo de la entrega del citatorio. Si usted está siendo demandado en calidad de oficial o agente del Gobierno de los Estados Unidos de Norteamérica o del Gobierno del Distrito de Columbia, tiene usted sesenta (60) días, contados después que usted haya recibido este citatorio, para entregar su Contestación. Tiene que enviarle por correo una copia de su Contestación al abogado de la parte demandante. El nombre y dirección del abogado aparecen al final de este documento. Si el demandado no tiene abogado, tiene que enviarle al demandante una copia de la Contestación por correo a la dirección que aparece en este Citatorio.

A usted también se le requiere presentar la Contestación original al Tribunal en la Oficina 5000, sito en 500 Indiana Avenue, N.W., entre las 8:30 a.m. y 5:00 p.m., de lunes a viernes o entre las 9:00 a.m. y las 12:00 del mediodía los sábados. Usted puede presentar la Contestación original ante el Juez ya sea antes que usted le entregue al demandante una copia de la Contestación o en el plazo de siete (7) días de haberle hecho la entrega al demandante. Si usted incumple con presentar una Contestación, podría dictarse un fallo en rebeldía contra usted para que se haga efectivo el desagravio que se busca en la demanda.

SECRETARIO DEL TRIBUNAL

Nombre del abogado del Demandante _____

Dirección _____

Teléfono _____

Por: _____
 Subsecretario

Fecha _____

如需翻译, 请打电话 (202) 879-4828 Veuillez appeler au (202) 879-4828 pour une traduction Để có một bản dịch, hãy gọi (202) 879-4828
 번역을 원하시면 전화 (202) 879-4828 電話を掛ける (202) 879-4828 የአማርኛ ትርጉም ለማግኘት (202) 879-4828 ይደውሉ

IMPORTANTE: SI USTED INCUMPLE CON PRESENTAR UNA CONTESTACIÓN EN EL PLAZO ANTES MENCIONADO O, SI LUEGO DE CONTESTAR, USTED NO COMPARECE CUANDO LE AVISE EL JUZGADO, PODRÍA DICTARSE UN FALLO EN REBELDÍA CONTRA USTED PARA QUE SE LE COBRE LOS DAÑOS Y PERJUICIOS U OTRO DESAGRAVIO QUE SE BUSQUE EN LA DEMANDA. SI ESTO OCURRE, PODRÍA RETENÉRSELE SUS INGRESOS, O PODRÍA TOMÁRSELE SUS BIENES PERSONALES O BIENES RAÍCES Y SER VENDIDOS PARA PAGAR EL FALLO. SI USTED PRETENDE OPONERSE A ESTA ACCIÓN, NO DEJE DE CONTESTAR LA DEMANDA DENTRO DEL PLAZO EXIGIDO.

Si desea conversar con un abogado y le parece que no puede pagarle a uno, llame pronto a una de nuestras oficinas del Legal Aid Society (202-628-1161) o el Neighborhood Legal Services (202-279-5100) para pedir ayuda o venga a la Oficina 5000 del 500 Indiana Avenue, N.W., para informarse sobre otros lugares donde puede pedir ayuda al respecto.

Vea al dorso el original en inglés
 See reverse side for English original