

**MONTGOMERY COUNTY, MARYLAND
CIRCUIT COURT**

KAKILA COOPER

Plaintiff,

v.

CITY OF TAKOMA PARK, MARYLAND

7500 Maple Ave.
Takoma Park, MD 20912

Defendant.

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COMPLAINT AND DEMAND FOR A JURY TRIAL
Sexual Harassment, Harassment, and Retaliation in Violation of
the Montgomery County Human Rights Law

Plaintiff, Kakila Cooper, by and through her attorneys, Correia & Puth, PLLC, for her
Complaint states to this Honorable Court as follows:

INTRODUCTION

1. After Cooper reported that then-Sgt. Thomas Black had sexually harassed her, the Department covered up Black's unlawful conduct and targeted Cooper through a campaign of intimidation that forced her to leave her job. The Takoma Park Police Department ("TPPD" or "the Department") hired Kakila Cooper ("Cooper" or "Plaintiff") as a civilian dispatcher in April 2022. Less than four months after Cooper began working for the City of Takoma Park ("the City"), then-Sgt. Black began to sexually harass her during the overnight shift, when few other employees were around. Black described his sex life to Cooper in lurid terms, repeatedly asked her to accompany him to a sex club, made lecherous comments about her body, and begged her to have

sex with him, all while hovering around her for hours in the tight confines of the dispatch office. Cooper had to repeatedly rebuff Black's invitations to engage in a sexual relationship with him, and she had to find ways to avoid Black while doing her job. She complained again and again about Black's behavior to her supervisor and coworkers before TPPD suspended Black to conduct an investigation into her allegations. After learning that Cooper's complaints had led to Black being suspended, TPPD officers turned against Cooper, shunning and ridiculing her in the workplace. High-ranking officers purporting to investigate Cooper's allegations that Black sexually harassed her instead interrogated Cooper about what she might have worn or done that invited Black's interest in her. TPPD concluded in an investigative report that what Cooper had described as sexual harassment by Black were nothing more than consensual interactions. In May 2023, Cooper learned that Black would be returning to duty from his suspension. TPPD offered her the choice of working with Black as before or resigning her position. After the union intervened on Cooper's behalf, TPPD agreed to work out duty schedules that would separate Black and Cooper; however, it then launched a new investigation targeting Cooper and other employees who had supported her. Senior TPPD officers interrogated Cooper multiple times in May and June 2023. After Cooper filed a complaint of discrimination and retaliation against TPPD with the Montgomery County, Maryland Office of Human Rights in August 2023, the Department targeted Cooper through yet another investigation, in which high-level officers accused her of making false statements, asked her why she had retained legal counsel, demanded she hand over any documents she had shared with her attorneys, and threatened to interfere with an offer of employment she had received. Cooper left TPPD in late October 2023 for a new position. The Department continued to investigate and intimidate employees who supported Cooper when she reported that Black had sexually harassed her.

PARTIES

2. Plaintiff Kakila Cooper is an adult female resident of the District of Columbia.

3. Defendant City of Takoma Park, Maryland is a municipal corporation located in Montgomery County, Maryland. The City of Takoma Park is an employer within the meaning of Montgomery Cty. Code § 27-6 and Md. Code Ann., State Gov't § 20-601.

JURISDICTION

4. This Court has original jurisdiction over this action pursuant to Md. Code Ann., Cts. & Jud. Proc., § 1-501 because this action arises under the laws of Montgomery County, Montgomery Cty. Code § 27-19 and the State of Maryland, Md. Code Ann., State Gov't § 20-606.

5. Venue properly lies in this Court pursuant to Md. Code Ann., Cts. & Jud. Proc., § 6-201 and Md. Code Ann., State Gov't § 20-1202 because the acts and omissions complained of herein occurred in Montgomery County, Maryland.

6. On August 4, 2023, Cooper timely filed a charge of discrimination with the Montgomery County, Maryland, Office of Human Rights, asserting that the City, through TPPD, subjected her to sexual harassment, sex discrimination, hostile work environment, and retaliation. More than 45 days have elapsed since Cooper filed her charge of discrimination, and less than two years have elapsed since she was subjected to discriminatory and retaliatory actions by the Defendant. Therefore, Cooper has exhausted her administrative remedies.

7. Cooper has complied with the Local Government Tort Claims Act, Md. Code Ann., Cts. & Jud. Proc. § 5-304, by providing notice to Defendant on December 19, 2023. Moreover, Defendant had actual or constructive notice of Cooper's injuries or the circumstances giving rise to her injuries within one year of her injuries.

FACTS GIVING RISE TO RELIEF

8. Plaintiff Kakila Cooper was an employee of the City of Takoma Park from April 11, 2022 through October 26, 2023. She worked as a civilian dispatcher for the Takoma Park Police Department. Cooper's direct supervisor was Dispatch Supervisor Danyelle Gallop.

9. Police officers had supervisory authority over Gallop and Cooper.

10. TPPD did not provide Cooper with training on City or TPPD policies related to the prevention or correction of harassment and discrimination when it hired her, and it only provided training on sexual harassment prevention or reporting procedures in around June 2023.

11. Upon information and belief, until August 2023, TPPD did not provide training on sexual harassment policies or procedures to any dispatchers the Department had hired in 2022.

12. During Cooper's time at TPPD, she primarily worked the night shift, from 5:00 pm to 5:00 am. Dispatchers who worked the night shift were frequently assigned to work alone. Cooper's assigned workspace was the Dispatch office, which is a long, narrow space, about 6 by 15 feet, located next to a restroom and administrative offices.

13. On August 1, 2022, Cooper first met then-Sergeant Thomas Black when Lieutenant Michelle Holmes asked her and Dispatcher Lydya Teklu to volunteer for National Night Out, a public event intended to strengthen relationships between police and local communities. Holmes told Cooper and Teklu the sign-up sheet was posted on Lieutenant Cynthia Williams's office door.

14. Cooper was unable to find the sign-up sheet when she went to Williams's office door. Black was sitting in front of his computer in his office, across from Williams's door. When Cooper asked Black if he knew where she could find the sign-up sheet, he told Cooper it was posted low on Williams' door and pointed toward a place where Cooper had to bend down at the waist to look for the sheet. While Cooper searched for the sheet, Black rose from his desk and walked to his office doorway and watched her.

15. When Cooper stood up and turned around, Black was standing behind her smirking. For the sake of his own pleasure and Cooper's humiliation, Black tricked Cooper into bending over at the waist in a position in which he could look at her buttocks. He said, "I'm just messing with you – it's right there," pointing to a sheet of paper that was at eye level.

16. Black then began chatting with Cooper about various TPPD related issues. Cooper told Black that she had to return to the Dispatch Office (or "Dispatch") because her co-worker, Lydia Teklu was finishing her shift and had to leave. Black said, "I'll go with you," and followed her to Dispatch.

17. Black began by making small talk and then shifting to the topic of his career path at TPPD. He stayed in the Dispatch Office for the remaining six hours of Cooper's shift. During this time, Black shared with Cooper information about his family. Black prodded Cooper repeatedly with questions about whether she's a "snowflake" or "sensitive." He asked about Cooper's upbringing and speculated that because she's a "Southern girl" – from southern Virginia – she's thick-skinned and wouldn't be easily offended.

18. Black looked at the monitor minutes before 5:00am and saw Danyelle Gallop arriving to begin her shift. He said, "I'm going to leave before she comes in here," and walked out. Faven Teklu arrived to begin her shift, at which point Cooper could leave. Cooper told Faven Teklu that Black had been in the office with her and that he was strange.

19. On or about August 4, 2022, when Cooper arrived for her next scheduled shift, Lydia Teklu told her that she had watched Cooper's interaction with Black regarding the location of the sign-up sheet, and that Black was staring at Cooper's buttocks when she bent over to look for the sheet. Teklu characterized Black's conduct as "creepy."

20. Cooper told Lydya Teklu and then-Officer Brandon Addison that Black had been bothering her, and she asked them to check in on her. Black again seated himself in the Dispatch Office and stayed for hours. This time, Black shifted the conversation to sexual topics. Black went into detail about his history of infidelity, including his affair some years ago with another TPPD dispatcher. Although he did not tell Cooper the dispatcher's name, he said that she is now married to a TPPD Sergeant ("Sergeant X"). Black expressed concern that if he were to have another affair and his wife found out, she would leave him and take half of their assets and his pension. Black several times said words to the effect of, "My wife won't leave me and take half – I'll kill her before I let her leave me."

21. Black told Cooper that he and his wife now take part in the "swinger" lifestyle. Black mentioned the Twisted Sister sex club in Baltimore as a place he and his wife go to have sex with others. He told Cooper that he is attracted to women with her body type. Black asked Cooper how much she weighed and told her he had "a weight requirement." He urged Cooper to "check out" the Twisted Sister sex club.

22. At some point, Black wheeled his office chair closer to Cooper and stood just a few inches away from her at her desk. He reached across her upper body, purporting to point at something on her computer screen, and brushed his hand across her breasts in doing so. He then reached down to press a button on the desk, which he had no reason to press. Cooper was shocked and reacted by recoiling and balling her hand into a fist, glaring at Black. "I don't like people touching me!" Cooper told Black. Black moved back to his seat and wheeled himself away, jokingly saying, "Are you going to hit the police?"

23. Although Cooper felt violated by Black's conduct and was generally uncomfortable with his being in the Dispatch office with her, she was afraid of telling him this in strong terms because of his position as a Sergeant.

24. During these and subsequent interactions, Black would linger in the Dispatch office alone with Cooper for hours, while officers he supervised responded to police calls without him.

25. Black's behavior interfered with Cooper's work and the effective operation of the department. For example, while Black was in the Dispatch Office with Cooper on or around August 4, Cooper and Black heard a call from a Takoma Park resident who was reporting that a number of cars had been parked and left on his street. Black did not respond to the call himself, and he directed Cooper not to dispatch the call to an on-duty officer, but to "let it sit." Black continued to talk to Cooper about his personal life rather than performing his job duties. One of Black's subordinates, Ofc. Addison, heard and responded to the report and discovered that the vehicles had been stolen. After the resident who had made the call complained to TPPD management about officers' slow response time, management questioned Gallop, who in turn questioned Cooper about why she didn't immediately dispatch the call. Cooper explained to Gallop that Black told her not to dispatch the call.

26. On August 9 and 10, 2022, Black again approached Cooper while she was alone in the Dispatch office and again invited her to join him at a sex club. Black said to Cooper, "I need to fuck you to get it out of my system." Cooper responded that she was not interested in him and was in a committed relationship. Black described in detail his experiences with what he called "the swinger lifestyle" and described various sex acts he had performed at the club.

27. Black continued to pressure Cooper to go to the sex club. He described a plan in which Cooper would go to the club and pretend she didn't know him, so that his wife wouldn't be

suspicious. They could then meet and have sex and go their separate ways, Black said. Frustrated that Black wouldn't accept her refusal, Cooper again tried to make it clear that she was not interested in him, exclaiming, "I'm sorry, but I don't like short, fat, no-neck, bald, old white men!"

28. The next morning, August 11, Cooper told her supervisor, Gallop, that Black had repeatedly invited her to a sex club and propositioned her for sex. Cooper told Gallop she wanted Black to stop. Gallop laughed and said she was not surprised that Black had made those comments because "he's like that" and "he has an attraction to larger women." Gallop offered to tell Black to leave Cooper alone if he was making her uncomfortable. Cooper declined because Gallop had laughed at what she told her about Black's conduct. Cooper feared that Gallop did not take her concerns seriously and worried that with that attitude, Gallop's intervention could make things worse.

29. Cooper complained about Black's behavior to Privates First Class (PFC) Cindia Torres and Brandon Addison, who offered to take turns coming into the Dispatch office to make sure she was okay.

30. During the first two or three weeks of August 2022, Lydya Teklu, whom Cooper had told about Black's behavior, helped Cooper avoid Black in the hallways of the TPPD station. When Cooper's and Teklu's shifts overlapped, Teklu would relieve Cooper to allow her to take a meal break in her car or in the station. When Cooper neared the end of her break, Teklu would check the monitor of station video camera feeds to see if Black was in the station. If he was not, Teklu would text Cooper telling her it was safe to return to the Dispatch office.

31. On or about August 13, Black approached Cooper again while she was alone in the Dispatch office and used his phone to show her sexually explicit photos of himself and his wife in various states of undress and a video of his wife performing oral sex on two men. When Gallop

came to relieve Cooper at the end of Cooper's shift, she described to Gallop what Black had shown her. Gallop told Cooper she would inform TPPD Command officials, who Gallop said would launch an investigation into Black's conduct.

32. On or about August 15, Black arrived at the Dispatch office before the start of his shift. Both Cooper and Teklu were present in the office. Black sat on a stool close to Cooper. When Cooper mentioned that she was tired, Black asked her if she "had been doing the horizontal mambo" or a similar phrase.

33. On or about the morning of August 16, Cooper told Gallop that Black was continuing to make lewd remarks and proposition her.

34. On August 17, 2022, Cooper received a voicemail from Lt. Holmes, informing her that Black had been suspended.

35. Torres told Cooper on August 18, 2022 that she had reported Black's conduct toward Cooper to Lt. Williams on or about August 15. To Cooper's knowledge, Williams took no action in response to what Torres shared with her. Williams did not speak to Cooper about Black's conduct.

36. TPPD did not collect the photos or video from Black's phone or accounts.

TPPD begins to retaliate against Cooper and those who reported her concerns about Black.

37. In the days and weeks after Black was suspended, officers on his team began to treat Cooper with hostility. Although they interacted in a normal manner with Lydya Teklu, officers wouldn't answer Cooper's calls. When Cooper would convey dispatch orders, she could see on Computer Aided Dispatch ("CAD"), which displays tracked police vehicles onscreen, that officers who had previously responded in a timely manner wouldn't move in response to the order.

Officers on Black's team also wouldn't come into the office when Cooper was working, even to file routine paperwork.

38. On August 23, 2022, then-Acting Deputy Chief (Capt.) Richard Cipperly and Lt. Joseph Butler summoned Cooper without any notice. They directed her to take a seat in the center of a room in which a bright light was focused on her, as often depicted in movies and TV shows. This was an open office with other employees nearby.

39. Cipperly and Butler began questioning Cooper about her complaint that Black had sexually harassed her. They asked Cooper to provide a detailed account of Black's conduct toward her, including the sexual remarks he had made to her.

40. Cipperly took the lead during the interview. He shifted from asking questions about Black's conduct to questions suggesting that Cooper had invited Black's attention, including whether she had shown Black a tattoo [or parts of her body] and what she was wearing when Black made sexual remarks to her. Cipperly saw a portion of a tattoo along Cooper's neckline and asked her to show him the tattoo. He then asked Cooper whether perhaps Black had been interested in seeing her tattoo and hadn't intended to touch her body when he brushed his hand across her breasts.

41. Cipperly then asked Cooper to stand up. While looking up and down at Cooper's outfit of baggy men's cargo pants issued by the police department, Crocs clogs with socks, and the uniform polo shirt provided to her by TPPD, Cipperly asked her, "Is this how you normally dress for work?" Cooper said, "Yes," and added that her outfits always comply with the TPPD dress code. Cipperly and/or Butler told Cooper she should "try to wear different clothing." Cipperly suggested that Cooper – who had only the top button of her uniform polo shirt unbuttoned -- needed to button all three buttons, so as not to attract unwanted attention.

42. Cipperly and/or Butler then asked Cooper if there was anything she might have done or said to encourage Black's behavior or invite him to proposition her. Cooper answered that she had not. She told Cipperly that she had responded to Black by saying, "I'm sorry, I don't like short, fat, no-neck, old white men."

43. Cipperly or Butler also said, "How come you didn't tell Black sooner that you were in a relationship? That might have stopped him from pursuing a relationship with you." They also asked Cooper if she had described Black's behavior toward her to her boyfriend. Cooper told them she had, and that her boyfriend was very concerned.

44. Cipperly and/or Butler asked to review Cooper's text messages with her boyfriend for any discussions they had about Black. Cooper was surprised that Cipperly and Butler would make such an intrusive request, and although she was uncomfortable showing them her communications with her boyfriend, she shared with them one exchange in which her boyfriend texted her while she was at work asking if she was okay, and she responded to let him know that Black was there. Cipperly and/or Butler then told Cooper that they planned to go to her home the next day and interview her boyfriend.

45. Neither Cipperly nor Butler went to Cooper's home or contacted her boyfriend.

46. During the interview with Cipperly and Butler, Cooper recounted how Black had disclosed to her that he had an affair with Sergeant X's now wife. Because Sergeant X's office was near where Cooper was being interviewed, and where she could be heard by many people nearby, when Cooper mentioned Sergeant X's name, Cipperly and Butler briefly paused the interview to close the door and make sure he was not nearby. Cipperly or Butler commented, "I don't know how he could be so stupid," referring to Black's having told Cooper about his affair

with Sergeant X's wife. Cipperly and Butler gave Cooper the impression that they were already aware of Black's earlier affair.

47. When Cooper described to Cipperly and Butler how Black routinely spent hours on end in the dispatch office, they reacted with surprise and disbelief. Cooper told Cipperly and Butler about the incident she had had to explain to Gallop, on or around August 4, when Black heard and directed her not to dispatch a call from a resident regarding what were later found to be stolen vehicles parked on his street.

48. At the end of the interview, Cipperly presented Cooper with a document titled "Confidentiality/Do Not Discuss Order," which prohibited her from discussing the investigation or her complaints against Black with anyone other than "the assigned investigator" or her attorney, were she to retain legal counsel. Cooper felt she had no choice but to sign the order and did so.

49. Later on August 23, Gallop told Cooper that TPPD had issued her a written reprimand after she reported Cooper's complaint of Black's conduct

50. Neither Cipperly nor Butler nor anyone else from TPPD contacted Cooper again about the investigation until mid-October 2022.

51. On September 9, 2022, Torres called Cooper and told her that on or around August 23, 2022 she had been verbally reprimanded after reporting the concerns Cooper had voiced to her about Black's conduct earlier in August.

52. In or around September 2022, a TPPD official sent an email to the entire staff instructing TPPD officers not to enter the Dispatch office and to speak to dispatchers only through the office's reception window.

53. The collective bargaining agreement in effect at the time required TPPD to "provide backup for dispatchers so that they may take their lunch and rest breaks." Because officers were

prohibited from entering the Dispatch office, Cooper and other dispatchers who worked shifts alone were unable to take breaks during those shifts without taking the risk of missing a call.

54. Around this time, Sgt. Michal Godlewski, who replaced Black on Cooper's shift, scolded Cooper for missing a radio call while she was in the bathroom. Although Cooper had taken the radio into the bathroom with her, she was unable to respond to a call fast enough. Godlewski told Cooper, "You need to have your ass glued to your seat at all times."

55. From September 2022 through the end of her employment with TPPD, Cooper was unable to get officers to relieve her for a break, so she routinely had to take her radio, a notepad, and pencil into the bathroom with her.

56. At some point, Cooper heard Godlewski tell TPPD officers not to enter the Dispatch office because "it will make Kakila uncomfortable," and that if they do, "Kakila will report [them] like she did Black."

57. Because the work environment became more tense and uncomfortable for Cooper and her fellow dispatchers after she complained about Black's conduct, she felt responsible for their situation and apologized to some of her co-workers.

58. In October 2022, PFC Franklyn Sanchez entered the Dispatch office to bring in a vehicle tow log, and PFC Teresa Bolanos followed him in. In Cooper's presence, Bolanos showed Sanchez something on her cell phone while hysterically laughing and, in an overly dramatic fashion, said to him, "Who would harass a big black bear? This is *so* funny!" Sanchez glanced over at Cooper with an expression of sadness and empathy on his face. Soon after he left the Dispatch office, Sanchez called and texted Cooper and said he was sorry for what happened.

59. Cooper told Gallop about the incident involving the "big black bear" comment, and Gallop told Cooper she would report it to TPPD Command.

60. In response to Gallop's report about the "big black bear" comment, Chief Antonio DeVaul emailed Cooper on October 15, writing that he was "really sorry to hear that [she was] subjected to another troubling and unacceptable incident." He wrote, "We are in the final stages in conducting the investigation" into Black's conduct, and that Black would face "serious consequences." DeVaul also assured Cooper that TPPD would investigate the incident with Bolanos.

61. On November 1, 2022, Cipperly and Butler interviewed Cooper again, this time about the "big black bear" meme Bolanos had shown to Sanchez. The two officers told her that the interview was being recorded. Cipperly accused Cooper of lying about the meme, claiming that when asked about it, Sanchez had denied seeing any such image.

62. Cooper showed Cipperly the apology Sanchez had texted her after having seen the meme, and she showed Cipperly the record of Sanchez's call to her soon after seeing the meme. Cipperly was dismissive of what Cooper showed him and responded, "That's not what Sanchez told us."

63. Disheartened by Cipperly's response, Cooper felt like he was again making her the target of their investigation while covering up for the people who had harassed her, as he had done during the August 23, 2022 interview. Cooper began to cry and told Cipperly and Butler that she no longer wanted to take part in the investigation into TPPD officers making offensive remarks about her. Having thus intimidated Cooper, Cipperly and Butler did not try to convince her otherwise and quickly told her they were dropping the new investigation.

64. In or around late October or early November 2022, Cooper began to hear rumors from various people in TPPD that Black would be returning to active duty soon. On November 6, 2022, Cooper emailed Butler seeking an update on the investigation into Black. Butler called her

and said that Black was being demoted but would return to active duty in a few days. Butler said that Black would work under a supervising sergeant but would still have supervisory authority over Cooper. Discouraged by this news, Cooper told Butler that no one had given her any notice that Black would be coming back. Butler told Cooper that DeVaul wanted to meet with her and discuss what was happening.

65. No one from TPPD followed up with Cooper about meeting with DeVaul regarding Black's expected return in November 2022.

66. TPPD left Cooper in the dark for nearly six months, leaving her to wonder each day whether Black would return to her workplace free to resume his treatment of her, or whether TPPD would hold him accountable. Each day that passed heightened Cooper's dread that TPPD's leadership did not condemn Black's treatment of her and that they believed his behavior was acceptable.

67. Cooper came to believe the TPPD wouldn't do anything meaningful, yet she was shocked to learn that Black was coming back. She felt stuck and worthless. Cooper was in tears each day while driving to work and often called family members for emotional support. Although her family had told her she could leave the situation and come home, she wanted them to see that she could handle the situation on her own.

68. Cooper became more withdrawn in the workplace and interacted less with her co-workers.

69. Lydya Teklu advised Cooper to seek professional help. Lydya Teklu described to Cooper how she had watched Cooper become withdrawn and start to engage in behaviors such as obsessively picking at her clothing.

TPPD's investigation clears Black of Cooper's claims of sexual harassment and allows him to return to work.

70. Sometime in or around mid-April 2023, Ofc. Chloe Haller-Kaplan told Cooper that her friend, Officer Jose Suazo, had heard TPPD officers discussing an investigative report about Cooper's complaints about Black's conduct. Haller-Kaplan told Cooper that she searched for and found the report on the TPPD network H: drive, which was then accessible to all TPPD personnel. The report was only a few paragraphs long, and Haller-Kaplan took a photo of it on her phone. Soon after, Haller-Kaplan showed Cooper the photo of the report.

71. The investigative report concluded that what Cooper had described as Black's harassment of her were actually consensual interactions. The report stated that Black would be demoted to Private First Class but would be allowed to keep his pension.

72. On May 3, 2023, a janitor in TPPD, Damon Chase, called Cooper on May 3, 2023 to tell her that he had overheard TPPD officers, including Parking Enforcement Officer Daniel Bushman, saying that Black was due to return to duty within days.

73. The next day, May 4, Deputy Chief Shibu Philipose called Cooper in for a mandatory meeting but did not tell her the purpose of the meeting. Because Cooper suspected the meeting concerned Black, she reached out to her union representative, Brendan Smith of AFSCME Local 3399, and asked him to join her. Smith in turn invited the City's Human Resources Director, Lori Cannon, who agreed to join.

74. Philipose arrived at the meeting with Gallop and expressed surprise that Cooper was accompanied by her union representative. Philipose announced that Black would be returning to duty on May 8, 2023, and that the decision to bring Black back was a unanimous decision made by TPPD Command. Black would be assigned to the night shift, Philipose explained, which meant that Cooper would have to regularly interact with Black.

75. Smith told Philipose that it was wrong of TPPD to have given Cooper so little notice that Black would be returning to work. Smith also said that AFSCME Local 3399 would be prepared to take action if TPPD insisted that Black worked the same shift as Cooper. Philipose agreed that Black could be assigned to the day rather than night shift upon his return.

76. Philipose claimed that he knew very little about the case and said that Cipperly was supposed to join the meeting but had called off that day.

77. Philipose said the following, or similar words, to Cooper: “You have a few options: if you would like to go elsewhere, you will have our full support. You can just quietly go, and we will support you in whatever you choose to do, or, you can honor the oath that you took and continue to do your job.” He went on, “Effective immediately, this case is closed, and we don’t want to hear anything else about it.”

78. When Cooper told Philipose that she had already heard rumors that Black was returning, he appeared very upset and said that she should not have listened to rumors, as if to suggest she had done something wrong. Philipose turned his focus from the matter of Black’s behavior to press Cooper to identify the person who told her about Black’s return. Cooper told Philipose that Chase told her that Black was returning. Gallop showed Philipose TPPD General Order 202, which prohibits spreading rumors, and she told Philipose that while it may have been a violation for officers to speak openly about Black’s return, it was not wrong for Cooper or Chase to simply listen to what was said.

79. Cannon said that the City’s Human Resources department had not received any notice of Black’s return. Smith asked why TPPD was giving Cooper such late notice of Black’s return, and he asked whether Black or the TPPD at large would be required to undergo sexual harassment training. Philipose did not answer Smith’s questions.

80. Gallop and Cooper told Philipose that dispatchers working shifts alone had been unable to take their mandatory breaks since the September 2022 email was sent by a TPPD officer instructing officers not to enter the Dispatch office.

81. After the meeting, Smith told Cooper that other female TPPD employees had expressed concern about working with Black due to his inappropriate behavior.

82. Cooper learned from Haller-Kaplan and Chase that female TPPD officers and civilian employees had written a letter expressing solidarity and refusing to work shifts with Black, and that both female officers and civilian employees had reported that they would feel unsafe working with Black.

83. On May 5, 2023, Smith sent an email to DeVaul, Philipose, Eubanks, Cannon, and Gallop, and wrote that “[t]here’s been almost no notice given to the victims of sexual harassment in this case that the perpetrator will be returning to work within a few days. . . . There also are larger concerns about the workplace culture in the Police Department where female civilian employees don’t feel safe, and they don’t feel heard.”

84. On May 15, 2023, DeVaul issued a memo to Smith, Gallop, and Cooper which “sets forth the measures [TPPD was] implementing in connection with the return to work of Thomas Black on May 22, 2023.”

85. Gallop told Cooper that as part of the arrangement under which Black would return to work, he was being assigned to the day shift. Gallop explained that Cooper would not be allowed to sign up for overtime hours after the end of her shift, because that would cause her schedule to overlap with Black’s on the day shift.

86. Because of staffing shortages in the Dispatch office, Cooper used to regularly work extra shifts and supplemented her monthly income by about 20% with the overtime pay she was

able to earn. TPPD's decision to bring Black back to work prevented her from working overtime and thereby limited her income.

87. Cooper had signed up for an overtime shift before Black's return was announced. After Black's return was announced, Cooper's name was removed from her previously-scheduled overtime shift.

88. The staffing shortages in the Dispatch office persisted after Black returned to active duty.

89. Cooper attempted to sign up for overtime several times after Black returned to TPPD on May 22, 2023, but each time Gallop removed her name from the overtime list.

TPPD continues to intimidate Cooper and retaliate against employees who supported her.

90. On May 21, 2023, the day before Black's return to active duty, Butler summoned Cooper to his office with no advance notice for an interview. Butler began recording the interview, then said he was questioning Cooper as part of an investigation into "rumors in the workplace," "leaks of information," and "false allegations" by Gallop and Cooper during their May 4 meeting with Philipose.

91. Butler read aloud from an email Philipose had sent him detailing the concerns Gallop and Cooper had raised during the May 4 meeting about the inability of dispatchers to take breaks. See Para. 74--81 In the email, Philipose wrote that "all of these allegations [from Gallop and Cooper] equate to police misconduct." Butler sounded upset as he read the portion of the email that described the allegations as "police misconduct."

92. Butler questioned Cooper about Chase's having warned her that Black was returning to work on May 3.

93. Butler's questions suggested he was targeting Chase in some way for having disclosed to Cooper that Black would be returning to duty.

94. Cooper told Butler that she did not want to answer his questions because she had seen a copy of the investigative report, that it concluded Black's conduct toward her was consensual, and that the report was on the H: drive and was accessible to all TPPD employees.

95. Butler put his hands to his head in a sign of disbelief and frustration. He told Cooper he was unaware that the investigation had been concluded and that Cipperly – not he – was the lead investigator. Butler searched for the report on the H: drive on his computer while Cooper waited to continue with the interview; he was unable to find it. Butler told Cooper he wasn't sure how TPPD had concluded that her interactions with Black were consensual because "Black admitted to everything [she] had alleged."

96. On May 22, 2023, Philipose sent an email to TPPD staff announcing that Black would return to duty that day.

97. On May 26, 2023, TPPD held an award ceremony during which it presented Black with an award. At the same ceremony, everyone in Dispatch except for Cooper --five people in total -- were listed in an email as recipients of some type of award or recognition.

98. On June 7, 2023, Sgt. Kristian Pedersen, who was widely known to be a close friend of Black, approached Cooper and told her that Butler needed to interview her. Cooper wanted Smith to join her but was unable to reach him before her interview. Pedersen joined Butler in the room and recorded the interview. Before he began questioning Cooper, Butler claimed he was interviewing her "just as a witness" and that she would not be there if she had not made "wild accusations to the Deputy Chief" (Philipose).

99. Butler asked when the last time was that Cooper spoke to Torres. Cooper responded that she had spoken to Torres about ten minutes earlier to ask her to serve as a professional reference because she was searching for a new job.

100. Butler then asked, “What made you go from just asking that Black leave you alone to contacting the union?” Cooper refused to answer.

101. Butler also asked whether Cooper felt that Chase was being treated unfairly. He said, “If there’s no punishment for Daniel Bushman [who Chase heard talking about Black’s return], would you be satisfied with that result?” Cooper told him, “That’s up to y’all.” He said, “Could you just answer the question?” Cooper refused to answer.

102. Whenever Cooper refused to answer a similar question, Butler would say words to the effect of, “How are we going to help you if you don’t answer that?” Cooper repeatedly told him, “You said I’m just a witness. What does this have to do with helping me?”

103. Butler’s questions made clear to Cooper that TPPD was aware that Torres and Chase had supported her in her efforts to seek protection from Black, and that the Department wanted her to know that it had punished them for doing so.

104. Butler asked Cooper to repeat details about Black’s conduct toward her which she had already described to him and Cipperly during their initial investigative interview in August 2022. Cooper sat and stared at him for a few minutes, feeling uncomfortable at the prospect of describing such details in front of Black’s friend, Pedersen. Cooper told Butler, “That’s embarrassing.” She tried to repeat some of the events. Pedersen began to blush and appeared unable to make eye contact with her. After three to five minutes, Cooper found the situation so humiliating and uncomfortable that she told Butler she did not want to say any more about Black’s conduct.

105. Butler asked if anyone had coached Cooper on what to say and whether she had sought legal representation. Cooper told him she chose not to answer, and he replied, “I take that as a yes.”

106. Butler then requested that Cooper sign a “Confidentiality/Do Not Discuss Order,” and said, “A few people are going to be charged ... some people may lose their jobs – we really need you to be quiet.” Cooper refused to sign the order, and Butler appeared annoyed at her refusal. Pedersen signed the order as a witness, then left the room to make copies of the order.

107. While Pedersen was out of the room, Cooper asked Butler, “Was Pedersen a part of the investigation into Black?” He said, “No.” Cooper then asked, “Why did you have Pedersen in here, and why did you have me tell him what happened?” “Pedersen told me that he started at the same time as Black and is friends with Black,” Cooper explained. “It’s embarrassing to have to say those things in front of him,” she told Butler. Butler replied, “Pete [Pedersen] is a good guy.”

108. Upon information and belief, in early June 2023, TPPD tried to fire Chase.

TPPD interferes with Cooper’s efforts to find new employment and continues to intimidate her through investigations.

109. After Black returned to active duty on May 23, 2023, Cooper began applying for dispatcher positions in other police departments in the D.C. - Maryland - Virginia metropolitan area. Despite her having seven years’ experience as a police dispatcher in Danville, Virginia, over 15 months of experience as a dispatcher with TPPD, national certification, and accreditation in Maryland and Virginia, for several months Cooper struggled to get past the employment verification stage of the selection process with any police department. Prospective employers expressed interest in hiring Cooper but then told her that they could not hire her because there was an issue with her TPPD record or verification of her employment at TPPD.

110. In March 2022, Cooper declined an offer of employment with the Washington Metropolitan Area Transit Authority (WMATA) in favor of joining TPPD. In May 2023, Cooper responded to an advertisement for the same type of position WMATA had previously offered her. She reached the background and employment verification stage of the application process, but WMATA then sent her a letter denying her employment.

111. In late December 2022, Cooper noticed that her name and contact information had been removed from the publicly accessible Staff Directory on the City of Takoma Park government website. The Directory lists all City employees, including dispatchers, and she had been listed on it before she complained that Black was sexually harassing her. On several occasions – most recently on March 25, 2023 – Cooper discussed with her supervisor, Gallop, the fact that she was no longer listed in the Directory, and Cooper asked Gallop to request that her name be readded. Cooper's name was still missing from the directory as of at least October 13, 2023.

112. Upon information and belief, TPPD interfered with Cooper's efforts to obtain employment with other police departments after May 2023.

113. On August 2, 2023, Cooper received a contingent offer of employment as a dispatcher with the Alexandria Police Department in Alexandria, Virginia, pending a standard background investigation.

114. On August 4, 2023, Cooper filed a complaint of discrimination with the Montgomery County, Maryland Office of Human Rights against the City and TPPD for sexual harassment, sex discrimination, hostile work environment, and retaliation.

115. On September 7, 2023, Deputy Chief Philipose sent an email to Cooper requesting a meeting with her as part of his goal to meet individually with all staff at least once or twice a year. He wrote that he wished to hear Cooper's "thoughts and recommendations" about what was

going well and what could be improved in Dispatch and TPPD as a whole. Philipose also wrote, “I am open to discuss any other matters of importance to you.” He did not mention Black or any matter connected to Cooper’s complaints about harassment.

116. On or around September 15, 2023, Cooper replied to Philipose’s email, agreeing to meet with him but stating that she had retained counsel and filed a complaint with the Montgomery County Government Office of Human Rights in connection with Black’s sexual harassment of her, and that she would therefore be unable to discuss anything related to Black or her complaint during their meeting.

117. Cooper met with Philipose on September 18, 2023. Despite Cooper’s email stating that she was unwilling to discuss matters related to Black, Philipose asked her questions about the work environment at the station after “the incident with Black” and what Cooper thought could be done to repair her opinion of TPPD. Philipose seemed intent on defending TPPD when Cooper shared her concerns. For example, when she described how other officers had treated her with hostility after she reported that Black sexually harassed her, Philipose told her that she needed to consider how they felt, and how it was a tough situation for them, as well.

118. On October 12, 2023, Cipperly summoned Cooper into a one-on-one meeting with him without advance notice. He took her out of the TPPD station and to the Takoma Park Community Center – which is located on the floor above the TPPD station in the City’s government complex at 7500 Maple Avenue – and into the Hydrangea Room.

119. Cipperly told Cooper that she was under investigation, read her an Internal Affairs investigation number, and told her that she would be recorded. Cooper asked that he end the interview and allow her to contact her union representative, Smith, but Cipperly refused.

120. Cipperly told Cooper that TPPD had reason to believe she had been untruthful during earlier interviews with him and Butler, and that he and TPPD were very concerned about her refusal to answer Philipose's questions about Black on September 18. Cipperly was not clear on what Cooper was accused of being untruthful about, but he asked her repeatedly if she had seen a copy of the investigative report into her complaints against Black.

121. Cipperly demanded to know why Cooper felt she had to retain a lawyer and whether she had shared any documents with her lawyer. Cooper told him that it was her understanding that anything she shared with her lawyers was protected and would be discussed only by her lawyers and the City's. Cipperly told Cooper that because this was a police investigation, she had to share with him any documents she had given to her lawyer.

122. Cooper asked Cipperly why he was still investigating her when she was scheduled to leave TPPD for a new job in about two weeks. Cipperly asked her, "You're going to work for the Alexandria Police Department, right?" When Cooper said, "Yes," Cipperly responded in a threatening tone, "I can fix that."

123. Cooper left her job at TPPD on October 26, 2023 and started work as a dispatcher for the Alexandria Police Department on October 30, 2023.

COUNT I
Sexual Harassment and Harassment in Violation of the
Montgomery County Human Rights and Civil Liberties Article

124. Plaintiff incorporates by reference and re-alleges each of the allegations contained in paragraphs 1- 123 of this Complaint as if set out here in full.

125. Cooper was an "employee" under the Montgomery County Human Rights and Civil Liberties Article.

126. The City of Takoma Park, Maryland, is an “employer” under the Montgomery County Human Rights and Civil Liberties Article.

127. Black had supervisory authority over Cooper when he subjected Cooper to unwelcome sexual harassment based on her sex.

128. By his conduct described herein, Black frequently subjected Cooper to unwelcome sexual advances, requests for sexual favors, vulgar remarks, and other verbal, written, or physical conduct of a sexual nature, including showing her photos and video of a sexual nature.

129. Black’s unwelcome conduct toward Cooper, as described herein, had the purpose or effect of unreasonably interfering with her work performance.

130. Black created a working environment that Cooper perceived to be abusive or hostile.

131. A reasonable victim of discrimination would consider Black’s conduct toward Cooper to be more than a petty slight, trivial inconvenience, or minor annoyance.

132. Defendant is liable for the unwelcome sexual harassment and abusive or hostile work environment created by Black’s unlawful behavior toward Plaintiff.

133. By its conduct, Defendant subjected Cooper to harassment that had the purpose or effect of unreasonably interfering with her work performance.

134. By its conduct, Defendant subjected Cooper to harassment that had the purpose or effect of creating a hostile working environment that was perceived by Cooper to be abusive or hostile.

135. A reasonable victim of discrimination would consider Defendant’s conduct toward Cooper to be more than a petty slight, trivial inconvenience, or minor annoyance.

136. As a direct and proximate cause of the sexual harassment and harassment to which she was subjected, Cooper suffered emotional distress, anxiety and depression, humiliation, indignity, loss of enjoyment of life, and lost wages and benefits.

COUNT II
Retaliation in Violation of the
Montgomery County Human Rights and Civil Liberties Article

137. Plaintiff incorporates by reference and re-alleges each of the allegations contained in paragraphs 1-123 of this Complaint as if set out here in full.

138. Cooper opposed the sexual harassment Black subjected her to by rebuffing Black's advances.

139. Cooper's opposition to sexual harassment through her actions described herein constitutes protected activity under the Montgomery County Human Rights and Civil Liberties Article.

140. Cooper's filing of a complaint reporting sexual harassment as described herein constitutes protected activity under the Montgomery County Human Rights and Civil Liberties Article.

141. Cooper's participation in investigations initiated by Defendant after she reported sexual harassment through her actions described herein constitutes protected activity under the Montgomery County Human Rights and Civil Liberties Article.

142. The City of Takoma Park, through the actions of its employees, including but not limited to Butler, Cipperly, and Philipose, subjected Cooper to retaliation because she opposed sexual harassment.

143. The City of Takoma Park retaliated against Cooper after she filed a complaint reporting sexual harassment by repeatedly subjecting her to police interrogations that were carried out in a manner that was intimidating and humiliating.

144. The City of Takoma Park retaliated against Cooper after she complained of Black's conduct by changing the terms and conditions of her employment, including her entitlement to breaks and to work overtime.

145. The City of Takoma Park retaliated against Cooper after she complained of Black's conduct by interfering with her future employment opportunities.

146. Plaintiff filed a complaint in connection with the sexual harassment, sex discrimination, hostile work environment, and retaliation she was subjected to with the Montgomery County, Maryland Office of Human Rights pursuant to the provisions of Montgomery Cty. Code § 27-19.

147. The City of Takoma Park retaliated against Plaintiff in violation of the Montgomery County Human Rights Law, Montgomery Cty. Code § 27-19 because she opposed sexual harassment and retaliation and filed a complaint with the Montgomery County Office of Human Rights.

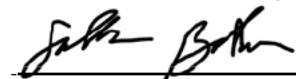
148. The City of Takoma Park harassed Cooper after she filed a complaint with the Montgomery County Office of Human Rights by subjecting her to additional police interrogations that it carried out in an intimidating and coercive manner, including directly questioning her about her complaint and communications with her attorney and threatening interference with her future employment relationship.

149. As a direct and proximate cause of the retaliation to which she was subjected, Plaintiff suffered emotional distress, anxiety and depression, humiliation, indignity, loss of enjoyment of life, lost wages and benefits.

IN CONSIDERATION OF THE FOREGOING, Plaintiff respectfully requests that this Court order the following relief:

1. Declare Defendant's actions in violation of the Montgomery County Human Rights Law, Montgomery Cty. Code § 27-19;
2. Enter judgment for Plaintiff and against Defendant on all counts contained herein;
3. Award Plaintiff monetary damages against Defendant in an amount to be determined by a jury;
4. Award Plaintiff equitable relief, including front pay in lieu of reinstatement and back pay;
5. Award Plaintiff compensatory damages in an amount to be determined by a jury;
6. Award Plaintiff her costs and expenses;
7. Award Plaintiff attorney's fees allowed by law;
8. Award Plaintiff such other relief as this Court deems just and proper.

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Counsel for Kakila Cooper

Date: May 29, 2024

VERIFICATION

I, Kakila Cooper, declare under penalty of perjury that I have read the foregoing Complaint and that it is true to the best of my knowledge, information, and belief.


Kakila Cooper (May 29, 2024 10:10 EDT)
Kakila Cooper