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JUN 04 2010  
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10 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
11 IN AND FOR THE COUNTY OF MARICOPA

CV2010-016852

13 THE STATE OF ARIZONA *ex rel.* TERRY  
14 GODDARD, the Attorney General, and THE  
15 CIVIL RIGHTS DIVISION OF THE ARIZONA  
DEPARTMENT OF LAW,

16 Plaintiff,

17 vs.

18 THE GEO GROUP, INC., a Florida corporation,  
19 d/b/a Arizona State Prison-Florence West Facility

20 Defendant.

No.

**COMPLAINT FOR DAMAGES AND  
INJUNCTIVE RELIEF**

(Nonclassified Civil)

21 **INTRODUCTION**

22 This is a public enforcement action to correct (1) the unlawful practice of different  
23 treatment in the terms, conditions, and privileges of employment based on sex, including, but  
24 not limited to, sex-based hostile work environment and sexual harassment in violation of the  
25 Arizona Civil Rights Act, A.R.S. § 41-1463 ("ACRA"), and (2) the unlawful practice of  
26

1 retaliating against employees for complaining about discrimination, in violation of ACRA,  
2 A.R.S. § 41-1464. This action seeks to provide appropriate relief to Alice Hancock and  
3 similarly-situated individuals adversely affected by these practices. Plaintiff, the State of  
4 Arizona, *ex rel.*, Terry Goddard, the Attorney General, and the Civil Rights Division of the  
5 Arizona Department of Law (collectively the “State”), contends that Defendant The Geo  
6 Group, Inc., d/b/a Arizona State Prison-Florence West Facility (“Geo Group”), has  
7 discriminated against Charging Party and similarly-situated individuals because of their sex,  
8 female, by subjecting them to different terms and conditions of employment, including a  
9 hostile work environment, by failing to take prompt remedial action intended to eliminate the  
10 sex-based hostile work environment and sexual harassment, and by retaliating against  
11 Hancock and similarly-situated individuals for complaining about or opposing harassment, all  
12 in violation of ACRA.

### 13 JURISDICTION AND VENUE

14 3. This Court has jurisdiction of this matter pursuant to A.R.S. § 41-1481(D).

15 4. Venue is proper in Maricopa County pursuant to A.R.S. § 12-401(17).

### 16 PARTIES

17 5. The Civil Rights Division of the Arizona Department of Law is an administrative  
18 agency established by A.R.S. § 41-1401 to enforce the provisions of the Arizona Civil Rights  
19 Act, A.R.S. § 41-1401 *et seq.*

20 6. The State brings this action on its own behalf and on behalf of Alice Hancock, a  
21 charging party, and other similarly-situated individuals who have been aggrieved by these  
22 unlawful practices.

23 7. The Arizona State Prison-Florence West Facility is a prison located in Florence,  
24 Arizona.

25 8. At all times relevant to the allegations in this Complaint, the Geo Group has  
26 been a for-profit Florida corporation with headquarters in Boca Raton, Florida.



1           17. In the charge of discrimination, Hancock alleged that she was subjected to sex  
2 discrimination and retaliation and specified incidents that had occurred within 180 days of the  
3 date of her charge.

4           18. The Arizona Civil Rights Division found that reasonable cause existed to believe  
5 Defendant Geo Group discriminated against Alice Hancock and similarly-situated individuals  
6 because of their sex in violation of A.R.S. § 41-1463 and retaliated against Hancock and  
7 similarly-situated individuals when they opposed an unlawful employment action in violation  
8 of A.R.S. § 41-1464.

9           19. The parties have not entered into a conciliation agreement and the State brings  
10 this Complaint pursuant to A.R.S. § 14-1481(D).

11                           **First Claim: Different Terms and Conditions of Employment,**  
12                           **Sex-Based Hostile Work Environment and Sexual Harassment**

13           20. Since at least 2007, Defendant Geo Group has engaged in unlawful employment  
14 practices at the Arizona State Prison-Florence West Facility, in violation of ACRA, A.R.S. §  
15 41-1463, by allowing its employees, including management level employees, to subject  
16 Hancock and similarly-situated female employees to different terms and conditions of  
17 employment, including, but not limited to, sex-based hostile work environment and sexual  
18 harassment.

19           21. Geo Group employees, including male managers responsible for supervising  
20 correctional officers, participated in harassing conduct toward female employees and fostered  
21 a sexual and sex-based hostile work environment in which male managers and employees were  
22 permitted to harass and retaliate against female employees.

23           22. The sexual and sex-based harassment included serious verbal harassment and  
24 physical harassment of the female employees, which included, but was not limited to, the  
25 following conduct:  
26

- 1 (a) making frequent and, at times, daily offensive sexual and derogatory comments to  
2 subordinate female employees, such as wanting to “ram [them] from behind,” bend  
3 them over, and asking them to “suck [the alleged harasser’s] dick”;
- 4 (b) telling inmates that specific subordinate female correctional officers were having sex  
5 with the [alleged] harasser;
- 6 (c) making frequent offensive gestures to subordinate female employees, such as  
7 simulating sex acts and pointing to private body parts when making offensive  
8 remarks;
- 9 (d) engaging in physical harassment, including incidents such as grabbing Charging  
10 Party’s breast, in a separate incident grabbing Charging Party’s vagina and pinching  
11 it, grabbing and lifting a female correctional officer onto a desk, shoving apart her  
12 legs, and kissing her, and attempting to forcibly kiss another female employee;
- 13 (e) subjecting subordinate female employees to humiliating treatment, such as rubbing up  
14 against a female correctional officer when she was bent over to do a task, dropping  
15 items in front of a female correctional officer and asking her to bend over and pick  
16 them up, urging a male co-worker to dump water over the head of a female  
17 correctional officer in front of a male inmate and other co-workers and laughing at her  
18 humiliation, refusing to respond to a female correctional officer’s request for  
19 assistance with an inmate transfer, and simulating grabbing the breasts of a female  
20 correctional officer; and
- 21 (f) repeatedly propositioning subordinate female employees, including using sexually-  
22 explicit text messages.

23 23. The offensive sexual and sex-based conduct was sufficiently severe or pervasive  
24 as to alter the terms and conditions of employment for the employees subjected to the conduct.

25 24. The harassment in the workplace created a hostile work environment based on  
26 sex.

1           25. Defendant Geo Group was aware of complaints of sexual harassment and aware  
2 that some male managers participated in the harassment.

3           26. Defendant Geo Group failed to take reasonable preventive and protective  
4 measures to promptly address and remedy the sexual and sex-based harassment, in the  
5 workplace and the inadequate and ineffective measures, include, but are not limited to, the  
6 following examples:

7           (a) failing to substantiate allegations of sexual harassment despite having evidence of  
8 harassment, such as finding that there was not enough evidence of Hancock's allegation  
9 that a male superior officer grabbed her breast, despite that there was a male co-worker  
10 who corroborated portions of Hancock's account and contradicted portions of the  
11 alleged harasser's account;

12           (b) neglecting to take adequate measures to protect female employees during pending  
13 internal sexual harassment investigations, such as merely transferring the alleged male  
14 harasser to a different shift when Hancock made an internal complaint that he had  
15 grabbed her vagina and pinched her, even though their shifts overlapped and the  
16 employees on those shifts had contact with each other during the shift change, and  
17 transferring three male supervisory officers alleged to have engaged in physical sexual  
18 harassment to a different unit where they would work with or supervise other female  
19 correctional officers;

20           (c) declining to initiate an investigation into statements made by subordinate female  
21 correctional officers during an internal investigation of Hancock's complaint that a  
22 male manager had grabbed her breast, that the alleged harasser retaliated against  
23 females who complained;

24           (d) refusing to issue discipline to male managers that addressed the severity or  
25 pervasiveness of the harassment, such as issuing merely a written reprimand to a male  
26 manager after its internal investigation substantiated verbal sexual harassment against

1 numerous female correctional officers and, in another instance, re-promoting a male  
2 employee to a management position after demoting him for physical sexual harassment  
3 against several subordinate female employees;

4 (e) assigning a male employee, who engaged in physical sexual harassment against two  
5 subordinate female employees, as an instructor of a self-defense class that all  
6 correctional officers, including the aggrieved female correctional officers, were  
7 required to attend annually;

8 (f) disciplining alleged harassment by a subordinate female correctional officer more  
9 harshly than discipline received by a male manager accused of more egregious conduct,  
10 such as placing her on unpaid administrative leave during an investigation of a single  
11 alleged sexual comment and, ultimately, suspending her for 15 days without pay;

12 (g) transferring male supervisory officers who engaged in harassing conduct between the  
13 units at the Florence West facility despite the fact that females worked in both units;

14 (h) increasing the overall performance rating of a male supervisory officer within weeks of  
15 substantiating that he had subjected several female correctional officers to verbal sexual  
16 harassment;

17 (i) conducting investigations in a manner in which the victims felt that they were the ones  
18 under investigation; and

19 (j) selective reporting by supervisors of alleged harassment complaints to Human  
20 Resources.

21 27. The effect of the events and conduct referenced in paragraphs 1 through 26 has  
22 been to make Hancock and other similarly-situated female employees believe that they had to  
23 tolerate sexual harassment and sex-based harassment and that nothing would be done to the  
24 alleged harasser if they complained.

25 28. The effect of the events and conduct described above has denied Hancock and  
26 other similarly-situated female employees of equal employment opportunities.

1 **Second Claim: Retaliation**

2 29. The State realleges and incorporates by reference the allegations contained in  
3 paragraphs 1 and 28 of this Complaint.

4 30. Since at least 2007, Defendant Geo Group has engaged in unlawful employment  
5 practices at the Arizona State Prison-Florence West Facility, in violation of ACRA, A.R.S. §  
6 41-1464, by retaliating against Hancock because she opposed sexual harassment by making  
7 internal complaints and because she filed a charge of discrimination and participated in the  
8 proceeding under ACRA to investigate that charge.

9 31. Hancock engaged in protected activities because she opposed the sexual  
10 harassment by complaining to Geo Group's management and filed a charge of discrimination  
11 with the Arizona Civil Rights Division and the Equal Employment Opportunity Commission.

12 32. The retaliatory acts directed at Hancock included, but were not limited to, the  
13 conduct as set forth below:

- 14 (a) allowing supervisors and co-workers to ostracize Hancock for making a sexual  
15 harassment complaint;
- 16 (b) placing Hancock on unpaid administrative leave less than three weeks after she made  
17 an internal complaint of physical sexual harassment because she allegedly made an  
18 offensive sexual remark during a training while her alleged harasser continued  
19 working;
- 20 (c) issuing a 15-day unpaid suspension to Hancock for allegedly making an offensive  
21 sexual remark during a training less than six weeks after Hancock made an internal  
22 complaint of physical sexual harassment despite that a male manager was issued a  
23 written reprimand after the Geo Group concluded he had subjected several female  
24 correctional officers to verbal sexual harassment;
- 25 (d) removing Hancock from a modified duty position that allowed her to continue  
26 working despite an occupational injury; and

1 (e) terminating her employment within several months of filing the charge of  
2 discrimination for abandoning her position despite that her doctor had provided  
3 medical documentation of the need for continued leave.

4 33. Several subordinate female employees substantiated that the alleged harasser had  
5 subjected them to verbal sexual harassment during Geo Group's internal investigation of  
6 Hancock's allegation that a male manager had grabbed her breast.

7 34. Defendant Geo Group did not take reasonable measures to prevent retaliation  
8 against the female employees who substantiated the harassment.

9 35. The inadequate measures for preventing retaliation include, but are not limited  
10 to, the following conduct:

11 (a) failing to investigate female correctional officers' concerns that the alleged harasser had  
12 a tendency to retaliate against those who opposed his conduct;

13 (b) failing to monitor the alleged harasser after issuing only a written reprimand, and

14 (c) refusing to consider that the actions of a male manager against two female correctional  
15 officers, taken several months after they participated in an internal investigation and  
16 substantiated verbal harassment, were retaliatory because the officers did not  
17 specifically label them as retaliation.

18 **PRAYER FOR RELIEF**

19 WHEREFORE, the State respectfully requests that this Court:

20 A. Enter judgment on behalf of the State, finding that Defendant unlawfully  
21 discriminated against and retaliated against Hancock and similarly-situated individuals in  
22 violation of the Arizona Civil Rights Act.

23 B. Permanently enjoin Defendant, its successors, assigns and all persons in active  
24 concert or participation with Defendant from engaging in any unlawful employment practice,  
25 including different terms and conditions of employment, sex-based hostile work environment,  
26 sexual harassment, and retaliation that violates the Arizona Civil Rights Act.

1 C. Order Defendant to make whole Hancock and similarly-situated females by  
2 providing appropriate back pay in amounts to be determined at trial.

3 D. Order Defendant to make whole Hancock and similarly-situated former  
4 employees by reinstating them to their previously held position or an equivalent position or, in  
5 the alternative, by providing appropriate front pay in amounts to be determined at trial.

6 E. Order Defendant to institute, implement, and enforce policies, practices and  
7 programs that provide equal employment opportunities for women, and that eradicate the  
8 effects of its present unlawful employment practices, including retaliation.

9 F. Order Defendant to provide training to its correctional officers, supervisors,  
10 managers, and other employees regarding discriminatory harassment and retaliation in the  
11 workplace.

12 G. Issue an Order authorizing the State to monitor Defendant's compliance with the  
13 Arizona Civil Rights Act and order Defendant to pay the State a reasonable amount for such  
14 monitoring.

15 H. Award the State its taxable costs incurred in bringing this action.

16 I. Grant such other and further relief as this Court may deem just and proper in the  
17 public interest.

18 Dated this 4th day of June, 2010.

19 TERRY GODDARD  
20 Attorney General

21 By *Rose A. Daly-Rooney* for  
22 Rose A. Daly-Rooney  
23 Cathleen M. Dooley  
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