

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

JORDAN HARDMAN	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 19-cv-02251-KHV-TJJ
	)	
UNIFIED GOVERNMENT OF WYANDOTTE	)	
COUNTY AND KANSAS CITY, KANSAS	)	
	)	
-and-	)	
	)	
STEVEN RIOS,	)	
	)	
Defendants.	)	

**FIRST AMENDED COMPLAINT**

In support of her lawsuit against Defendant Unified Government of Wyandotte County and Kansas City, Kansas (“Unified Government”) and Defendant Steven Rios, Plaintiff Jordan Hardman alleges as follows:

**PARTIES**

1. Plaintiff Jordan Hardman is a female citizen of the State of Kansas.
2. Defendant Unified Government is a governmental entity in the State of Kansas that is authorized to be sued in its own name.
3. Defendant Unified Government can be served at its headquarters: 701 N. 7<sup>th</sup> Street, Kansas City, Kansas in Wyandotte County, Kansas.
4. Defendant Unified Government is an employer within the meaning of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, et seq. (“Title VII”).
5. Defendant Unified Government employs more than 500 employees.

6. The Kansas City Kansas Police Department (“KCKPD”) is an agency of Defendant Unified Government.

7. Defendant Unified Government employed Plaintiff through the KCKPD from approximately July 28, 2016 until June 13, 2018.

8. Defendant Steven Rios is an adult male who, at all relevant times, was an officer employed by the KCKPD.

9. Upon information and belief, Defendant Rios is entitled to indemnification under statute and/or by contract.

10. Defendant Rios is sued in his individual capacity.

11. Defendant Rios can be served at his residence: 7726 Everett Ave., Kansas City, KS 66112-2470.

#### **JURISDICTION AND VENUE**

12. This case is brought under 42 U.S.C. § 1983, Title VII, and Kansas law.

13. The Court has jurisdiction over this controversy pursuant to 28 U.S.C. §§ 1331 and 1343, as well as 42 U.S.C. § 2000e-5(f).

14. The Court has jurisdiction over Defendants because the wrongs alleged herein were committed within the District of Kansas.

15. Venue is proper in this Court pursuant to 28 U.S.C. § 1391 because a substantial part of the events or omissions giving rise to Plaintiff’s claims occurred within the District of Kansas.

#### **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

16. On or about August 10, 2018, Plaintiff filed her charge of discrimination with the EEOC, which is attached as Exhibit A and incorporated herein by reference.

17. On March 21, 2019, the EEOC issued to Plaintiff her Notice of Right to Sue (attached as Exhibit B), and this lawsuit was filed within 90 days of Plaintiff's receiving the Notice of Right to Sue.

18. Plaintiff's charge of discrimination provided the EEOC sufficient opportunity to investigate the full scope of the controversy between the parties and, accordingly, the sweep of this judicial complaint may be and is as broad as the scope of an EEOC investigation that could reasonably be expected to have grown out of the charge of discrimination.

19. Plaintiff has satisfied all private, administrative, and judicial prerequisites to the institution of this action.

#### **FACTS SUPPORTING PLAINTIFF'S COMPLAINT**

20. Plaintiff graduated from Shawnee Mission North High School in 2015. While there she participated in the police officer training program during which she learned about the KCKPD Police Cadet program.

21. Plaintiff had always wanted to be a police officer, so she applied to the program.

22. On or about June 24, 2016, Chief of Police Terry Zeigler offered employment as a Police Cadet to Plaintiff, which Plaintiff accepted.

23. Plaintiff's first day of work as a Police Cadet was July 28, 2016; she was 19 years old.

24. Plaintiff and her fellow cadets were instructed to obey the chain of command at the KCKPD, meaning, they were to perform tasks assigned to them or requested of them by police officers, all of whom outranked the cadets.

25. The next day, on July 29, 2016, Plaintiff was warned by a co-worker that Defendant Rios, a KCKPD officer, had a reputation for directing unwanted attention toward female cadets.

26. That same day, Plaintiff met Defendant Rios for the first time.

27. At this time, Defendant Rios was an instructor and Academy supervisor who also had supervisory authority over Police Cadets. As a police officer, he also outranked Plaintiff and the other cadets.

28. As a KCKPD officer, Defendant Rios wore a uniform and carried a gun.

29. As an instructor and officer, Defendant Rios had influence over whether a cadet succeeded and moved on to the Police Academy, a prerequisite to becoming a police officer.

30. Defendant Rios was one of Plaintiff's supervisors and routinely exercised supervisory authority over her.

31. As an instructor and officer, the government bestowed upon Defendant Rios certain discretionary powers, including the ability to direct certain of Plaintiff's movements and actions as a cadet.

32. Employing and abusing these discretionary powers, Defendant Rios directed Plaintiff's movements so to separate Plaintiff from the other cadets and isolate her.

33. Once isolated, Defendant Rios sexually harassed Plaintiff, often after isolating her from the other cadets by using his government-bestowed power to direct certain of her movements and actions as a cadet.

34. For example, early in Plaintiff's cadet tenure, Defendant Rios ordered her the only female cadet in the group to ride with him to a training site. He told the male cadets to travel in a different vehicle.

35. Obeying the chain of command, Plaintiff complied with Defendant Rios's order because he had power over her and was authorized to direct her actions.

36. During this car ride, Defendant Rios asked Plaintiff if she had a boyfriend or husband, then sexually harassed Plaintiff by asking her detailed questions about her sexual preferences, including questions about what sexual positions and sex toys Plaintiff preferred and/or used.

37. Plaintiff was extremely uncomfortable with this conversation, which she did not invite.

38. On several other occasions, Defendant Rios, using his government-bestowed authority, ordered Plaintiff to ride in his car alone. The police cars are equipped with a police radio and water bottle holders that are positioned close to the passenger seat. Defendant Rios would reach for the radio or water bottle and then rub his hand slowly up Plaintiff's leg. These interactions made Plaintiff sick to her stomach. Rides such as this occurred throughout Plaintiff's tenure as a cadet.

39. Defendant Rios repeatedly spoke to Plaintiff using highly-charged sexual language. For example, Defendant Rios would ask Plaintiff how she spent her weekend, who she was with, and if she had masturbated. Such talk occurred throughout Plaintiff's tenure as a cadet.

40. At times, Defendant Rios would intentionally rub his body against Plaintiff's back while passing by her, even though such contact was unnecessary because sufficient

room existed to permit Defendant Rios to pass by without touching Plaintiff. These actions occurred throughout Plaintiff's tenure as a cadet.

41. Every third Wednesday of the month the cadets were required to participate in physical agility training. Defendant Rios, using his government-bestowed authority, would instruct Plaintiff to come with him to retrieve a trailer, leaving the other cadets behind. When they would arrive at the trailer's location, Defendant Rios would rub against Plaintiff's buttocks or genitals and speak sexually to her. Plaintiff did not invite these inappropriate interactions with Defendant Rios; these inappropriate interactions occurred throughout Plaintiff's tenure as a cadet.

42. On the way back to the Police Academy Building, Defendant Rios would intentionally hit bumps in the road to watch Plaintiff's breasts bounce and would laugh. After this happened multiple times, Plaintiff began wearing sports bras. Defendant Rios questioned why she switched bras.

43. Defendant Rios's sexual harassment of Plaintiff occurred throughout her tenure as a cadet.

44. Upon information and belief, no male cadets were subjected to similar sexual harassment by Defendant Rios.

45. Emboldened by his successful sexual harassment of Plaintiff, Defendant Rios sexually assaulted Plaintiff.

46. Specifically, on March 9, 2018, Defendant Rios approached Plaintiff from behind and pushed against her with his erect penis. He wrapped his arms around Plaintiff and inserted his hands in the front kangaroo pocket of Plaintiff's sweatshirt.

47. While his hands were in Plaintiff's front pocket, Defendant Rios caressed Plaintiff's front genitals, dropped candy in the pocket, breathed on Plaintiff's neck, and whispered something in Plaintiff's ear.

48. Shocked, Plaintiff threw her hands up she had not consented and would not have consented to sexual contact with Defendant Rios.

49. Officer William Barajas was in the room and witnessed some or all of the March 9, 2018 incident.

50. Officer Barajas asked Plaintiff if she wanted to report the incident but Plaintiff declined, fearing that reporting Defendant Rios would end her time as a cadet.

51. On March 15, 2018, Plaintiff learned that Officer Barajas had reported the March 9, 2018 incident to his superiors at the KCKPD.

52. The KCKPD initiated an investigation of the March 9, 2018 incident.

53. In April 2018, Plaintiff met with police detectives who took a voice recording from her. During this meeting, Plaintiff reported and complained about the sexual harassment she suffered at the hands of Defendant Rios.

54. Plaintiff also met with Wyandotte County District Attorney Mark Dupree but, again, Plaintiff did not want to press charges because she feared it would affect her ability to become a police officer. Despite not wanting to press charges, Plaintiff reported and complained about the sexual harassment she suffered at the hands of Defendant Rios.

55. Eventually, Plaintiff agreed to cooperate and fully participated in the investigation concerning Defendant Rios's sexually assaulting her.

56. While the investigation into Defendant Rios was ongoing, Plaintiff completed her application for the Police Academy, including a pre-employment questionnaire.

57. Around the same time, Plaintiff took and passed the written test required for acceptance into the Police Academy.

58. Plaintiff also took and passed the physical agility test required for acceptance into the Police Academy.

59. Plaintiff passed all formal tests required for acceptance into the Police Academy.

60. On May 7, 2018, Defendant Rios was charged with sexual battery based on his sexually assaulting Plaintiff on March 9, 2018.

61. Later, Defendant Rios pled guilty to misdemeanor battery related to his March 9, 2018 actions directed at the Plaintiff.

62. The government had no justifiable interest in Defendant Rios's sexually harassing and assaulting Plaintiff.

63. After Defendant Rios was charged, Plaintiff received threatening text messages and salsa was poured all over her car. Plaintiff believes these things were done in retaliation for her reporting the sexual harassment and assault she suffered at the hands of Defendant Rios and in an effort to try to get her to quit the program.

64. Shortly thereafter, in early June 2018, KCKPD Chief Terry Zeigler called Plaintiff into his office to tell her about her alleged "deficiencies" as a cadet, despite Plaintiff's having passed all tests necessary for acceptance into the Police Academy.

65. Later, on June 13, 2018, Chief Zeigler terminated Plaintiff's employment with the Police Cadet program.

66. The reasons provided by Chief Zeigler appear to have been taken out of context, exaggerated, or directly related to the sexual harassment Plaintiff endured from Defendant Rios.

67. The actual reason Plaintiff was terminated was because she spoke up about Defendant Rios's discriminatory conduct.

68. Upon information and belief, prior to March 9, 2018, Defendant Unified Government received at least one complaint or report that Defendant Rios had sexually harassed at least one Unified Government employee other than Plaintiff.

**COUNT I – AGAINST DEFENDANT UNIFIED GOVERNMENT**  
**VIOLATION UNDER TITLE VII OF THE CIVIL RIGHTS ACT**  
**SEXUAL HARASSMENT – HOSTILE WORK ENVIRONMENT**

69. Plaintiff incorporates by reference the allegations contained in all preceding paragraphs as if fully set forth in Count I.

70. Plaintiff is female and, as such, is within a protected class of individuals under Title VII.

71. Defendant Unified Government is an employer under Title VII.

72. During the course and scope of Plaintiff's employment with Defendant Unified Government, Plaintiff was subjected to severe and unwelcome conduct of a sexual nature because of Plaintiff's sex, including, but not limited to, offensive comments, innuendo, and offensive bodily contact.

73. The sexually offensive conduct was unwelcome to Plaintiff, and she objected to and complained about that conduct. Nonetheless, the conduct continued.

74. The sexually offensive conduct was sufficiently severe or pervasive that a reasonable person in Plaintiff's position would find Plaintiff's work environment to be hostile or abusive.

75. At the time the sexually offensive conduct occurred and as a result of that conduct, Plaintiff believed her work environment to be hostile and abusive.

76. The sexually offensive conduct adversely affected the terms, conditions and/or privileges of Plaintiff's employment with Defendant and affected Plaintiff's ability to perform her job duties.

77. Upon information and belief, prior to March 9, 2018, leaders within the Unified Government knew or should have known that Defendant Rios had behaved inappropriately with women in the past or had received reports or complaints that he had.

78. Upon information and belief, prior to March 9, 2018, the Unified Government did nothing to correct Defendant Rios's sexually harassing behavior; they simply transferred him from position to position.

79. The sexually harassing conduct, combined with Defendant Unified Government's failure to correct that conduct, made Plaintiff's working conditions intolerable.

80. As shown by the foregoing, Plaintiff suffered intentional discrimination at the hands of Defendant Unified Government and/or Defendant Unified Government's employees/agents during the course of her employment, based on her gender, in violation of Title VII.

81. As a direct and proximate result of Defendant's actions and/or inactions, Plaintiff has been deprived of income, past and future, including fringe benefits and retirement pay, as well as other monetary and non-monetary benefits.

82. As a further direct and proximate result of Defendant's actions and/or inactions, Plaintiff has suffered humiliation, emotional distress, pain and suffering, inconvenience, mental anguish, physical injury, and related compensatory damages, including medical bills.

83. As shown by the foregoing, Defendant Unified Government engaged in these discriminatory practices with malice or with reckless indifference to Plaintiff's federally protected rights. Plaintiff is therefore entitled to an award of punitive damages in an amount sufficient to punish Defendant Unified Government or to deter it and other employers from like conduct in the future.

84. Plaintiff is entitled to recover from Defendant her reasonable attorney fees, as provided in Section 706(k) of Title VII.

WHEREFORE, Plaintiff asks the Court to enter judgment in her favor and against Defendant Unified Government for such damages, actual, nominal and punitive, as are fair and reasonable, for her reasonable attorney fees and costs incurred herein, for interest as allowed by law, and for such other and further legal and equitable relief as the Court deems proper.

**COUNT II – AGAINST DEFENDANT UNIFIED GOVERNMENT**  
**VIOLATION UNDER TITLE VII OF THE CIVIL RIGHTS ACT**  
**RETALIATION**

85. Plaintiff incorporates by reference the allegations contained in all preceding paragraphs as if fully set forth in Count II.

86. At the time Plaintiff reported the sexually harassing conduct, Plaintiff was performing the duties of her job satisfactorily.

87. Plaintiff's reporting the sexual harassment she endured at the KCKPD, including her reporting it internally as part of the investigation of Defendant Rios's sexually assaulting her, was protected activity under Title VII.

88. After Plaintiff reported the conduct, the KCKPD wrongfully terminated her employment.

89. Plaintiff's termination was improper and in direct retaliation for her complaints made regarding the sexual harassment, including Defendant Rios's sexually assaulting her.

90. Accordingly, Defendant Unified Government violated Title VII when it terminated Plaintiff.

91. As a result of this violation of Title VII, Plaintiff has been deprived of income, past and future, including fringe benefits and retirement pay, as well as other monetary and non-monetary benefits.

92. As a result of this violation of Title VII, Plaintiff has suffered humiliation, emotional distress, pain and suffering, inconvenience, mental anguish, physical injury, and related compensatory damages, including medical bills.

93. As shown by the foregoing, Defendant Unified Government engaged in this retaliatory behavior with malice or with reckless indifference to Plaintiff's federally protected rights. Plaintiff is therefore entitled to an award of punitive damages in an amount sufficient to punish Defendant Unified Government or to deter it and other employers from like conduct in the future.

94. Plaintiff is entitled to recover from Defendant her reasonable attorney fees, as provided in Section 706(k) of Title VII.

WHEREFORE, Plaintiff asks the Court to enter judgment in her favor and against Defendant Unified Government for such damages, actual, nominal and punitive, as are fair and reasonable, for her reasonable attorney fees and costs incurred herein, for interest as allowed by law, and for such other and further legal and equitable relief as the Court deems proper.

**COUNT III – AGAINST DEFENDANT RIOS IN HIS INDIVIDUAL CAPACITY**  
**VIOLATION OF PLAINTIFF’S CONSTITUTIONAL RIGHT TO EQUAL PROTECTION**  
**42 U.S.C. § 1983**

95. Plaintiff incorporates by reference the allegations contained in all preceding paragraphs as if fully set forth in Count III.

96. Plaintiff asserts Count III against Defendant Rios, in his individual capacity, under 42 U.S.C. § 1983.

97. Plaintiff has a right to equal protection, guaranteed by the Fourteenth Amendment to the United States Constitution.

98. Defendant Rios’s pervasive sexual harassment of Plaintiff, culminating in his sexual assault of Plaintiff, violated Plaintiff’s constitutional right to equal protection.

99. Defendant Rios singled out Plaintiff in order to sexually harass her and violate her equal protection rights.

100. Defendant Rios’s actions were taken willfully, wantonly, recklessly, and with deliberate indifference to Plaintiff’s constitutional rights or the damage that his actions would cause Plaintiff, who was still a teenager when Defendant Rios, a grown man, started preying on her.

101. All other police cadets were similarly situated to Plaintiff but, upon information and belief, none were similarly sexually harassed and assaulted by Defendant Rios.

102. Defendant Rios's sexual harassment and assault of Plaintiff occurred under color of law, as he was a public employee, a cadet instructor, someone with supervisory power over Plaintiff, and a police officer.

103. Defendant Rios was in uniform when he sexually harassed and assaulted Plaintiff.

104. Plaintiff was not a police officer; she was a teenager.

105. There was no rational basis for Defendant Rios to single Plaintiff out to be sexually harassed and sexually assaulted.

106. Defendant Rios had supervisory power over Plaintiff during the entire time that she was a cadet; he also outranked her.

107. As a result of this violation of Plaintiff's constitutional rights, Plaintiff has been deprived of income, past and future, including fringe benefits and retirement pay, as well as other monetary and non-monetary benefits.

108. As a result of this violation of Plaintiff's constitutional rights, Plaintiff has suffered humiliation, emotional distress, pain and suffering, inconvenience, mental anguish, physical injury, and related compensatory damages, including medical bills.

109. As shown by the foregoing, Defendant Rios engaged in this behavior with malice or with reckless indifference to Plaintiff's constitutional rights. Plaintiff is therefore entitled to an award of punitive damages in an amount sufficient to punish Defendant Rios or to deter him and other individuals from like conduct in the future.

110. Plaintiff is entitled to recover from Defendant Rios her reasonable attorney fees, as provided in 42 U.S.C. § 1988.

WHEREFORE, Plaintiff asks the Court to enter judgment in her favor and against Defendant Rios for such damages, actual, nominal and punitive, as are fair and reasonable, for her reasonable attorney fees and costs incurred herein, for interest as allowed by law, and for such other and further legal and equitable relief as the Court deems proper.

**COUNT IV – AGAINST DEFENDANT RIOS IN HIS INDIVIDUAL CAPACITY**  
**VIOLATION OF PLAINTIFF’S CONSTITUTIONAL RIGHT TO BODILY INTEGRITY**  
**42 U.S.C. § 1983**

111. Plaintiff incorporates by reference the allegations contained in all preceding paragraphs as if fully set forth in Count IV.

112. Plaintiff asserts Count IV against Defendant Rios, in his individual capacity, under 42 U.S.C. § 1983.

113. Plaintiff has a substantive due process right to bodily integrity guaranteed by the Fourteenth Amendment to the United States Constitution.

114. Defendant Rios was personally involved in the deprivation of Plaintiff’s right to bodily integrity, in that, his pervasive sexual harassment of Plaintiff, culminating in his sexual assault of Plaintiff, violated Plaintiff’s constitutional right to bodily integrity.

115. A causal connection exists between Defendant Rios and the violation of Plaintiff’s constitutional rights, in that, Defendant Rios’s actions directly caused the violation.

116. Defendant Rios’s actions were taken recklessly and with deliberate indifference to Plaintiff’s constitutional rights or the damage that his actions would cause Plaintiff, who was still a teenager when Defendant Rios, a grown man, started preying on her.

117. Defendant Rios's sexual harassment and assault of Plaintiff occurred under color of law, as he was a public employee, a cadet instructor, someone with supervisory power over Plaintiff, and a police officer.

118. Defendant Rios was in uniform when he sexually harassed and assaulted Plaintiff.

119. Defendant Rios had supervisory power over Plaintiff during the entire time that she was a cadet.

120. As a result of this violation of Plaintiff's constitutional rights, Plaintiff has been deprived of income, past and future, including fringe benefits and retirement pay, as well as other monetary and non-monetary benefits.

121. As a result of this violation of Plaintiff's constitutional rights, Plaintiff has suffered humiliation, emotional distress, pain and suffering, inconvenience, mental anguish, physical injury, and related compensatory damages, including medical bills.

122. As shown by the foregoing, Defendant Rios engaged in this behavior with malice or with reckless indifference to Plaintiff's constitutional rights. Plaintiff is therefore entitled to an award of punitive damages in an amount sufficient to punish Defendant Rios or to deter him and other individuals from like conduct in the future.

123. Plaintiff is entitled to recover from Defendant Rios her reasonable attorney fees, as provided in 42 U.S.C. § 1988.

WHEREFORE, Plaintiff asks the Court to enter judgment in her favor and against Defendant Rios for such damages, actual, nominal and punitive, as are fair and reasonable, for her reasonable attorney fees and costs incurred herein, for interest as allowed by law, and for such other and further legal and equitable relief as the Court deems proper.

**COUNT V – AGAINST DEFENDANT RIOS**  
**NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

124. Plaintiff incorporates by reference the allegations contained in all preceding paragraphs as if fully set forth in Count V.

125. Plaintiff asserts Count V against Defendant Rios for negligently inflicting emotional distress upon her.

126. As described above, Defendant Rios's actions in sexually harassing and assaulting Plaintiff were extreme and outrageous.

127. As a result of Defendant Rios's actions, Plaintiff has suffered extreme and severe emotional distress including physical injury in the form of a suicide attempt that resulted in Plaintiff's hospitalization.

128. Defendant Rios's conduct was the direct and proximate cause of foreseeable mental distress for Plaintiff, including her physical injury.

129. As a result of Defendant Rios's negligence, Plaintiff has suffered humiliation, emotional distress, pain and suffering, inconvenience, mental anguish, physical injury, and related compensatory damages, including medical bills.

130. As shown by the foregoing, Defendant Rios engaged in this behavior wantonly and with malice or with reckless indifference to Plaintiff's well-being. Plaintiff is therefore entitled to an award of punitive damages in an amount sufficient to punish Defendant Rios or to deter him and other individuals from like conduct in the future.

WHEREFORE, Plaintiff asks the Court to enter judgment in her favor and against Defendant Rios for such damages, actual, nominal and punitive, as are fair and reasonable, for her reasonable attorney fees and costs incurred herein, for interest as allowed by law, and for such other and further legal and equitable relief as the Court deems proper.



**CERTIFICATE OF SERVICE**

I certify that, on August 15, 2019, the foregoing document was electronically filed with the clerk of court using the CM/ECF system, which will send a notice of electronic filing to all counsel of record, including:

Casey Meyer  
Henry E. Couchman Jr.  
701 N. 7<sup>th</sup> St., Ste. 961  
Kansas City, KS 66101  
Tel: (913) 573-5060  
Fax: (913) 573-5243  
Email: [cmeyer@wycokck.org](mailto:cmeyer@wycokck.org)  
[hcouchman@wycokck.org](mailto:hcouchman@wycokck.org)

*Attorneys for Defendant Unified Government*

-and-

Sean P. McCauley  
Morgan L. Roach  
Nicholas S. Ruble  
527 W. 39<sup>th</sup> St., Ste. 200  
Kansas City, MO 64111  
Tel: (816) 523-1700  
Fax: (816) 523-1708  
Email: [sean@mccauleyroach.com](mailto:sean@mccauleyroach.com)  
[morgan@mccauleyroach.com](mailto:morgan@mccauleyroach.com)  
[nicholas@mccauleyroach.com](mailto:nicholas@mccauleyroach.com)

*Attorneys for Defendant Rios*

/s/ Tim J. Riemann  
*Attorney for Plaintiff*