

Exhibit A

**IN THE CIRCUIT COURT FOR THE NINTH JUDICIAL CIRCUIT
IN AND FOR ORANGE COUNTY, FLORIDA**

JAIME ROLLE, Individually and as the
Natural Parent of **K.R.**, a Minor,

CASE NO.: 2022-CA-8033-O

Plaintiff,

vs.

(Jury Demand Endorsed Hereon)

CITY OF ORLANDO, a political
subdivision of the State of Florida, **OFFICER
DENNIS TURNER, OFFICER SERGIO
RAMOS, SERGEANT DOUGLAS
ANDREACCHI**, and **POLICE CHIEF
ORLANDO ROLON**,

Defendants.

PLAINTIFF’S FIRST AMENDED COMPLAINT

Plaintiff Jaime Rolle, Individually and as the Natural Parent of K.R., and K.R., a minor girl aged six at the time of the events stated herein, by and through undersigned counsel, submits this First Amended Complaint against the City of Orlando, a public subdivision of the State of Florida, Dennis Turner, Sergio Ramos, Douglas Andreacchi, and Orlando Rolon (collectively, “Defendants”), and alleges as follows:

I. INTRODUCTION

1. This action arises out of Defendants’ cruel, senseless, and terrorizing arrest of K.R., a six-year-old girl, at Lucious & Emma Nixon Academy Charter School in Orlando, Florida on September 19, 2019.

2. Officers Dennis Turner (“Defendant Turner”) and Sergio Ramos (“Defendant Ramos”) of the Orlando Police Department had no probable cause and used excessive force when they handcuffed and charged K.R., a six-year-old African American girl of Bahamian descent.

3. In a senseless showing of dominance and with the purpose to instill fear and humiliation in K.R., Defendants Turner and Ramos paraded (also known as “perp walked”) K.R. through the halls of Lucious & Emma Nixon Academy Charter School, with her hands bound behind her back by tightly sinched zip ties, giving other children, teachers, and parents the opportunity to see her arrested, bound, and escorted in tears to a waiting police vehicle.

4. Defendants Turner and Ramos hauled K.R. to the Orlando Juvenile Assessment Center without any parental or familial support or permission, where she was processed, fingerprinted, and subjected to the humiliating and degrading experience of undergoing the booking process: to wit, she had to stand on a stool so she could be tall enough for her mugshot.

5. Defendants Turner and Ramos thrust K.R. into the criminal justice system, knowing or having reason to know of how terrifying, demeaning, and degrading that process would be for K.R., and furthermore knowing how that experience would likely traumatize K.R. for the rest of her life.

6. Plaintiff further alleges, without limitation, that Defendants Sergeant Douglas Andreacchi (“Defendant Andreacchi”) and Police Chief Orlando Rolon (“Defendant Chief”) were direct supervisors of Defendants Turner and Ramos.

7. Defendants Andreacchi and Chief are referred from time to time as “Supervisory Defendants.”

8. The Supervisory Defendants knew or reasonably should have known of, participated in, endorsed, condoned, and/or ratified the unconstitutional conduct of their subordinates, Defendants Turner and Ramos.

9. Plaintiff Jaime Rolle brings this action against Defendants in her representative capacity as the parent of K.R. pursuant to 42 U.S.C. § 1983 for the deprivation of K.R.'s clearly established rights as secured by the Fourth Amendment to the United States Constitution.

10. Plaintiff Jaime Rolle brings this action in her representative capacity as the parent of K.R. pursuant to *Monell v. Dep't of Soc. Svcs. of City of New York*, 436 U.S. 658 (1978).

11. Plaintiff Jaime Rolle brings this action individually for the financial costs and loss of consortium she has experienced as a result of the unjust and senseless arrest of K.R.

II. JURISDICTION AND VENUE

12. All prior paragraphs are restated herein by this reference.

13. This is an action for damages in excess of the jurisdictional amount of Fifty Thousand Dollars (\$50,000.00), to wit: the specific Prayer for Relief is stated below.

14. Subject matter jurisdiction is proper because Florida Circuit Courts are trial courts of general jurisdiction.

15. Personal jurisdiction is proper under Fla. Stat. § 48.193(1)(a)(2).

16. Venue is proper in this Court pursuant to Fla. Stat. § 47.011 because one or more Defendants reside in Orange County, Florida, and Plaintiff's causes of action arose therein.

17. Plaintiff seeks redress from all police officer named herein in both their official and individual capacities.

18. Plaintiff alleges all police officers named herein were acting under and/or outside color of law and/or pursuant to the policies, customs, and/or usages of the City of Orlando.

III. PARTIES

A. Plaintiff

19. All prior paragraphs are restated herein by this reference.

20. At all times relevant herein, Plaintiff Jaime Rolle is an adult person and resident of the City of Orlando, County of Orange, and State of Florida.

21. Plaintiff Jaime Rolle is the mother of K.R., a minor child of tender years.

22. Plaintiff and K.R. are residents of Orange County, Florida.

B. Defendants

Defendant Police Officers

23. All preceding paragraphs are incorporated as if fully rewritten herein.

24. At the time of K.R.'s unlawful arrest, Defendant Dennis Turner ("Defendant Turner") is/was a police officer employed by Defendant City of Orlando as a school resource officer (SRO) at Lucious & Emma Nixon Academy.

25. Defendant Turner resides in Seminole County, Florida.

26. At the time of K.R.'s unlawful arrest, Defendant Sergio Ramos ("Defendant Ramos") is/was a police officer employed by Defendant City of Orlando.

27. Defendant Ramos resides in Orange County, Florida.

28. At the time of K.R.'s unlawful arrest, Defendant Douglas Andreacchi ("Defendant Andreacchi") is /was employed as a police officer by Defendant City of Orlando.

29. Defendant Andreacchi held the position of sergeant and was a direct supervisor of Defendants Turner and Ramos.

30. On the day of K.R.'s arrest as detailed herein, Defendant Andreacchi was the School Resource Officer Supervisor.

31. Per the Orlando Police Department Policy and Procedure 1204.8, titled Juvenile Procedure, and in effect in September of 2019, Defendant Andreacchi, a School Resource Officer

Supervisor, was required to notify their chain of command to include the Deputy Chief of any arrest of a child at school, any Baker Acts, and all incidents which require a report.

32. Defendant Andreacchi resides in Seminole County, Florida.

33. At the time of K.R.'s unlawful arrest, Defendant Orlando Rolon ("Defendant Chief") is /was employed as a police officer by Defendant City of Orlando and held the position of the Chief of Police of the Orlando Police Department and was a direct supervisor of Defendants Turner and Ramos.

34. Defendant Chief resides in Osceola County, Florida.

35. Per § 48 of the Code of Ordinances for the City of Orlando, Defendant Chief exercises general superintendence over the police force and is responsible for the good order of the same.

Defendant City

36. Defendant City of Orlando ("Defendant City") is a municipal corporation located at City Hall, 400 South Orange Avenue, Orlando, Florida, 32801, in Orange County.

37. Defendant City maintains a division of police at the Orlando Police Department.

38. Defendant City employs/employed all police officers identified herein.

39. The mission statement for the City's police department is: "Keep Orlando a safe city by reducing crime and maintaining livable neighborhoods."

40. As will be shown below, Defendants violated this mission statement by participating in the unreasonable arrest and senseless prosecution of K.R.

IV. STATEMENT OF FACTS

Historical Background and Research

41. All preceding paragraphs are incorporated as if fully rewritten herein.

42. A large body of empirical evidence over the last ten to fifteen years shows that children who are introduced to the criminal justice system (through arrests and incarceration in juvenile facilities) at an early age suffer serious emotional and psychological harm from being exposed to baseless arrests and excessive force at the hands of law enforcement officers.

43. For example, in 2014, in Stone Mountain, Georgia, a six-year-old was handcuffed by a school resource officer for misbehaving at Pine Ridge Elementary School.

44. Like Plaintiff K.R., the child had medical needs that were ignored, as he was handcuffed and subjected to force so intense it bruised his wrists.

45. In fact, over the past 50 years, our schools have become sites of increased criminalization of young people – a disturbing fact that is even truer for poor Black and Brown communities.

46. Such policing marks the start of the school-to-prison pipeline – the entry point to the criminal justice system for too many children – and it fuels mass incarceration.

47. That is why the Defendants identified herein must be held accountable for the baseless arrest, excessive force, and lack of training they visited upon K.R.

48. Against this important factual background, the disturbing events surrounding the arrest of K.R., stated below, emerge as another tragic example of how poorly trained, sub-standard law enforcement officers injure children who need our care – not jail.

Defendants Use Excessive Force and Issue a Baseless Charge

49. All preceding paragraphs are incorporated as if fully rewritten herein.

50. In the spring and late summer of 2019, K.R. is a gifted six-year-old kindergartener heading into first grade with a serious medical problem that affects her emotional well-being and behavior.

51. K.R. is a little under four feet tall and weighs approximately 50 pounds.

52. During this time, the Lucious & Emma Nixon Academy Charter School (“the School”), a charter elementary school, recruits K.R. to attend classes there.

53. As her family considers sending K.R. to the School, K.R.’s grandmother tells the School’s administrators that K.R. has pediatric obstructive sleep apnea which prevents K.R. from sleeping through the night, causing irritability and strong temper tantrums brought on by severe exhaustion.

54. K.R.’s grandmother also explains that K.R.’s pediatric obstructive sleep apnea causes K.R. to act out until she gets exhausted, at which time she falls asleep and “resets” her cognitive and emotional patterns.

55. The School’s administrators agree to support K.R. with her issues.

56. K.R.’s family agrees to send K.R. to the School.

57. As K.R.’s first year of grade school is about to start, K.R.’s grandmother tells the School’s principal that K.R. is scheduled soon for surgery which will fix her sleep apnea and eliminate her behavioral issues.

58. K.R.’s grandmother and the School’s principal reach an understanding: although the School has no bed, couch, or room in which K.R. could sleep, the School’s administrators will watch K.R. and ensure she is given an opportunity to take naps when she is too exhausted to behave properly or participate.

59. On the morning of Thursday, September 19, 2019, first grade is about to start at the School when K.R. walks in wearing sunglasses.

60. About fifteen minutes later, K.R.’s teacher attempts to take her sunglasses from her.

61. K.R. refuses to cooperate with her teacher and begins to act out.

62. The teacher knows of K.R.'s behavioral issues, because K.R.'s grandmother has previously told her about them and/or the School administration has done so.

63. When K.R. acts out she has a tantrum in which she:

- a. Cries, screams, and demands she be given her sunglasses back;
- b. Jumps for the sunglasses which are being held by the teacher and pulls on her arm to lower the glasses within reach;
- c. Refuses to cooperate with the teacher;
- d. Refuses to be calmed down;
- e. Wields no weapons;
- f. Throws herself on the floor and rolls around;
- g. Verbalizes no physical threat of serious harm toward any person; and
- h. Verbalizes no physical threat of serious harm to herself.

64. Knowing that the six-year-old girl is having a sleep apnea-induced tantrum, but unwilling to deal with the child any longer, K.R.'s teacher and a staff member hold K.R. by the wrist and walk her to the administration office as she tries to pull away from them.

65. Inside the office, she is hard to deal with, does not listen, and tries to run from the room.

66. Meanwhile, a school administrator calls the School Resource Officer, Defendant Turner.

67. Soon, Defendant Turner appears in the administration office.

68. He tells K.R. that she would have to calm down or she would have to go home.

69. As K.R. continues to act out, Defendant Turner ups the punishment ante for K.R. and tells her if she doesn't start listening to her teacher and stop misbehaving, he will take her to jail.

70. The teacher and staff member restrain her as she kicks and flails about.

71. Staff watch and gather around K.R. to keep her safe during her outburst.

72. An administrative worker restrains K.R. and sits on the floor with her, and K.R. calms down as Defendant Turner steps out to call for K.R.'s removal from the school.

73. Before he takes physical custody of K.R., Defendant Turner has a telephone call with K.R.'s grandmother.

74. K.R.'s grandmother pleads with Defendant Turner not to arrest K.R., because she has a medical condition which the school knows about, called pediatric sleep apnea, that causes her to become overwhelmed and dysregulated from lack of sleep.

75. Defendant Turner responds, saying "Well I have sleep apnea and I don't behave like that."

76. Before he seizes K.R. or transports her to the Juvenile Assessment Center ("JAC"), Defendant Turner contacts Defendant Ramos, to discuss the transport.

77. Defendant Ramos brings zip ties because the metal handcuffs are too large for K.R.'s small wrists.

78. Defendant Turner and/or Defendant Ramos also speak with his/their supervisor, sergeant Defendant Andreacchi, regarding the arrest of K.R.

79. After Defendant Turner and Ramos discuss the on-going medical crisis that is causing K.R.'s behavior with Defendant Andreacchi, Defendant Andreacchi approves the arrest of K.R. and/or fails to prevent it.

80. At approximately 9:32 a.m. K.R.'s crisis has passed.
81. She is quietly playing with a coloring book.
82. That's when Defendants Turner and/or Ramos order K.R. to stand up.
83. K.R. cries and begs not to be handcuffed or taken away.
84. Defendants Turner and Ramos ignore her pleas and bind her wrists behind her back with a zip tie.
85. Defendants Turner and Ramos perp walk K.R. to a squad car as she continues to beg and plead with them.
86. Defendant Ramos opens the door to the police car and puts K.R. in the back seat.
87. Defendant Ramos pulls the seatbelt across K.R.'s chest and locks her in the backseat alone with her hands zip tied behind her back, crying for help.
88. Defendant Turner returns to the front office and informs the school administrators and staff, saying he's arrested over 6,000 individuals in his 28 years of service and K.R. broke the record for the youngest child he has arrested.
89. Meanwhile, as K.R. cries in the back seat, Defendant Ramos drives the squad car to the JAC to drop her off for booking.
90. Throughout the drive to JAC, K.R. pleads with Defendant Ramos to stop the vehicle and remove the zip ties from her hurting wrists.
91. At no point do Defendants Turner, Ramos, or Andreacchi get permission from K.R.'s parent or guardian to handcuff her or take her to the JAC.
92. Each and every time that Defendant Ramos applies the brakes and then accelerates, K.R.'s body presses against her hands which are sinched behind her back, forcing the zip ties to dig into her wrists.

93. During the ride to the JAC, K.R. cries and complains of pain in her wrists.
94. Upon her arrival to the JAC, Defendant Ramos walks a teary-eyed, trembling, and terrified K.R. to the booking area.
95. JAC staff ask about the validity of K.R.'s arrest and booking procedures due to her age.
96. Florida law allows a law enforcement agency to fingerprint and photograph a child taken into custody only upon probable cause that such child has committed a violation of law.
97. At the time K.R. is brought to the JAC, Defendants Turner and Ramos knew they arrested K.R. without probable cause, to wit:
- a. They knew that K.R.'s behavior was due to a medical condition, not voluntary behavior, and was thus not capable of being considered a criminal act; and
 - b. They arrested and charged K.R. without any evidence or information that she committed a forcible felony or posed a risk of harm to herself or anyone else.
98. Still, Defendants advise the JAC to proceed with the processing of K.R.
99. Because K.R. is too short, JAC staff put her on a footstool and take her mugshot.
100. At this point the zip ties have pressed grooves into K.R.'s wrists that are so deep, they are painful to the touch.
101. Defendants thus caused K.R. to undergo severe emotional stress and physical pain, along with other damage and harm as detailed in this Complaint.
102. Following the aforementioned events, and as a direct and proximate cause of same, K.R.'s medical providers later diagnose K.R. with Post Traumatic Stress Disorder, Oppositional Defiance Disorder, and Separation Anxiety.

V. **CLAIMS ALLEGED**

COUNT I
(Excessive Force)

103. All preceding paragraphs are incorporated as if fully rewritten herein.

104. This claim is brought pursuant to Title 42 U.S.C. § 1983.

105. Title 42 U.S.C. §1983 states, in relevant part: “Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State . . . subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.”

106. The Fourth Amendment to the United States Constitution states, in relevant part, “[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated....”

107. The United States Supreme Court has long held that where officers use force in the arrest or detention of a citizen that is excessive, it violates the Fourth Amendment to the United States Constitution. *See generally, Graham v. Connor*, 490 U.S. 386 (1989) (determining that a use of force analysis requires a careful balancing of “the nature and quality of the intrusion on the individual's Fourth Amendment interests against the countervailing governmental interests at stake).

108. While acting under color of law, Defendants Turner and Ramos deprived K.R. of her well-established right to be free from excessive force.

109. In other words, Plaintiff asserts K.R. had the well-established constitutional right not to be subjected to excessive force while being arrested, even if her arrest could have been otherwise proper.

110. At all times relevant to this matter, the Defendants were clothed with the authority of the state and misused that authority.

111. In this case, Plaintiff claims that Defendants Turner and Ramos used excessive force when they:

- a. Arrested and/or seized K.R.'s person without probable cause to do so;
- b. Used zip ties to handcuff the six-year-old's hands behind her back;
- c. Perp walked to a squad car with her hands still zip tied behind her back;
- d. Locked her inside the squad car; and
- e. Effectuated her processing and booking at JAC in violation of state law.

112. As a direct and proximate result of Defendants' actions, as set forth above, K.R. has been damaged, including but not limited to physical pain, mental anguish, embarrassment, humiliation, feelings of powerlessness, harm to self-esteem, emotional distress, fear, anxiety, and loss of sense of personal safety and dignity.

COUNT II
(False Arrest)

113. All preceding paragraphs are incorporated as if fully rewritten herein.

114. This claim is brought pursuant to Title 42 U.S.C. § 1983.

115. The United States Supreme Court has also long held: Because arrests are seizures of persons, they must be based upon probable cause in order to be constitutional. *See Payton v. New York*, 445 U.S. 573, 585, (1980).

116. While acting under color of law, Defendants Turner and Ramos deprived K.R. of her well-established right to be free from seizure without probable cause.

117. At all times relevant to this action, Plaintiffs assert K.R. had the well-established constitutional right to be free from an arrest or seizure not based in probable cause or other legal justification.

118. At all times relevant to this matter, Defendants Turner and Ramos were clothed with the authority of the state and misused that authority.

119. Defendants Turner and Ramos arrested K.R. without a warrant.

120. Prior to their warrantless arrest of K.R., Defendants Turner and Ramos received information from school personnel on scene and/or K.R.'s grandmother that K.R. had a medical problem which was causing her disruptive behavior on the morning in question.

121. Defendants Turner and Ramos physically restrained/arrested K.R. without permission or consent to do so, to wit:

- a. They bound her hands with handcuffs, locked her in a patrol car, and drove her to and holding her at the JAC in spite of her tearful pleas to stop doing so; and
- b. Defendants Turner and Ramos never received the consent of K.R.'s parent or guardian prior to restraining/arresting her as aforesaid.

122. Defendants Turner and/or Ramos observed no conduct and received no information which established probable cause to justify her pre-trial restraint, detention, or arrest, to wit:

- a. While on scene, they received no evidence or information of any kind that K.R. had engaged in any crime or any intentional criminal act (i.e., intentional touching or striking);
- b. While on scene, they received no evidence or information of any kind that K.R. had caused any person, including herself, in the administration office to be subjected to any intentional bodily harm; and

- c. Defendants Turner and Ramos – and the school officials in the administration office – were informed by K.R.’s grandmother prior to charging K.R that K.R. was dealing with a cognitive, medical problem that caused her tantrum.

123. Accordingly, Defendants Turner and Ramos had no evidence to prove that the K.R. had committed or was in the act of committing any arrestable offense when they arrested her.

124. Neither Defendant Turner nor Defendant Ramos arrested K.R. for her own protection nor for the protection of any other person, to wit:

- a. Defendant Turner and/or Ramos said to the administrators on scene that he/they arrested K.R. because she would not listen to him/them and/or her teacher.
- b. One administrator on scene calmed young K.R. as she sat on the floor with K.R. before any arrest of K.R. was attempted; and
- c. When they demanded K.R. stand up and put her hands behind her back, K.R. had been coloring in a coloring book and acting appropriately for her age and situation.

125. At all times, K.R. knew she was being arrested, to wit: she expressed to Defendants Turner and Ramos her fear and panic over being arrested.

126. As direct and proximate cause of the aforesaid arrest without probable cause or other legal justification, Plaintiff K.R. was damaged, including but not limited to: anguish, terror, physical pain, embarrassment, humiliation, feelings of powerlessness, harm to self-esteem, emotional distress, fear, anxiety, and loss of sense of personal safety and dignity.

COUNT III
(Malicious Prosecution)

127. All preceding paragraphs are incorporated as if fully rewritten herein.

128. This claim is brought pursuant to Title 42 U.S.C. § 1983.

129. The United States Supreme Court has long recognized that the Fourth Amendment to the United States Constitution requires that prosecutions of citizens must be instituted upon probable cause. *See generally, Thompson v. Clark*, 142 S. Ct. 1332 (2022).

130. Defendants knew or had reason to know that K.R. was arrested at an age (six-years-old) that was so young she did not have the capacity to form the *mens rea* to commit any crime.

131. Defendants Turner and/or Ramos observed no conduct which established probable cause to believe that K.R. had committed the crime of battery as defined by Florida law, to wit:

- a. While on scene, they received no evidence or information of any kind that K.R. had engaged in an intentional criminal act or act of violence (i.e., touching or striking) regarding any person;
- b. While on scene, they received no evidence or information of any kind that K.R. had caused any person in the administration office to be subjected to any intentional bodily harm; and
- c. At all times, Defendants – and the school officials in the administration office – saw K.R. dealing with a cognitive, medical problem which they were made expressly aware of by K.R.'s grandmother prior to charging K.R.

132. Defendants Turner and/or Ramos acted with malice, to wit:

- a. they instituted charges against K.R. as a result of behavior caused by K.R.'s medical condition – and they knew about that condition at the time; and
- b. he/they said he/they was not/were not charging K.R. to bring her to justice for an actual crime but were accusing her of battery because she would not listen to him/them and/or her teachers and calm down.

133. Without any evidence or information justifying their decision to charge K.R., Defendants Turner and Ramos charged K.R. with the crime of battery.

134. All criminal proceedings initiated by Defendants Turner and Ramos were dismissed by the prosecutor and in favor of K.R.

135. As a direct and proximate cause of the aforesaid charging of K.R. without probable cause, Plaintiff K.R. was damaged, including but not limited to: anguish, terror, embarrassment, humiliation, feelings of powerlessness, harm to self-esteem, emotional distress, fear, anxiety, and loss of sense of personal safety and dignity.

COUNT IV
(Supervisory Liability)

136. All preceding paragraphs are incorporated as if fully rewritten herein.

137. At all times relevant to this matter, Defendant Andreacchi and Defendant Chief (hereinafter “Supervisory Defendants”) was/were the direct supervisors of Defendants Turner and Ramos.

138. At all times relevant to this matter, Supervisory Defendants had supervisory authority over Defendants Turner and Ramos.

139. At all times relevant to this matter, the Supervisory Defendants knew or reasonably should have known of, and/or participated in, and/or condoned, and/or ratified:

- a. The arrest and/or seizure of K.R. without probable cause, as aforesaid;
- b. The use of a zip ties to unreasonably and painfully restrain K.R., as aforesaid;
- c. The placing of K.R. in the back seat of the police car and her transport to the JAC; and
- d. The charging of K.R. without probable cause, as aforesaid.

140. When Defendant Turner and/or Ramos advised the Supervisory Defendants of their desire and intent to arrest K.R. under the circumstances described in this Complaint, the Supervisory Defendants knew that Defendants Turner and Ramos were without lawful authority to seize, handcuff, or charge K.R. in the manner described in this Complaint.

141. Accordingly, the Supervisory Defendants knew or reasonably should have known that their acts and/or failures to act would likely cause the constitutional injury that befell K.R., to wit: by endorsing, promoting, encouraging, and/or not intervening to stop the arrest of K.R. the Supervisory Defendants violated her Fourth Amendment Rights to be free from unreasonable search and seizure and to be free from prosecution without probable cause.

142. The Supervisory Defendants had a duty and/or were required by his/their training to take action to prevent Defendants Turner and Ramos from arresting, seizing, and/or prosecuting K.R. as described in this Complaint.

143. Despite his/their knowledge of the misconduct of Defendant Turner and Ramos, as stated in this Complaint, the Supervisory Defendants took no action, failed to prosecute Defendants Turner and Ramos for the crime of false imprisonment and/or assault and/or battery, failed to impose reasonable discipline on Defendant Ramos, failed to document the misconduct of Defendants Turner and Ramos fully and accurately, and/or otherwise abandoned his/their supervisory duties.

144. As a result of his/their failures and/or abandonment of his/their supervisory duties, as stated above, the Supervisory Defendants created an environment that condoned the aforementioned misconduct and perpetuated and/or facilitated and/or aided the misconduct of Defendants Turner and Ramos against K.R., a six-year-old girl.

145. The Supervisory Defendants engaged in acts and omissions that were the product of a reckless or callous indifference to K.R.'s constitutional rights, to wit: the Supervisory Defendants approved, endorsed, and/or condoned the arrest and charging of K.R. in the manner detailed above.

146. By their failure to intervene or their empowerment of Defendants Turner and Ramos to effectuate the arrest of K.R., the Supervisory Defendants in fact caused K.R.'s constitutional deprivation.

147. As a direct and proximate result of Defendants' actions, as set forth above, K.R. has been damaged, including but not limited to: anguish, embarrassment, humiliation, feelings of powerlessness, harm to self-esteem, emotional distress, fear, anxiety, and loss of sense of personal safety and dignity.

COUNT V
(*Monell* Claim – Municipal Liability)

148. All preceding paragraphs are incorporated as if fully rewritten herein.

149. This claim is brought pursuant to Title 42 U.S.C. § 1983.

150. This claim is brought per *Monell v. Dep't of Soc. Svcs. of City of New York*, 436 U.S. 658 (1978).

151. Defendant City maintains an armed police force, the Orlando Police Department, with the power to arrest citizens.

152. Defendant City is a person subject to suit under 42 U.S.C. § 1983 for the violation of Plaintiffs' rights under the United States Constitution.

153. At all times relevant to this matter, Defendant Chief was the top policymaker for Defendant City's Police Department.

154. Prior to and on the date of K.R.'s arrest, Defendant Chief promulgated, knew of, acquiesced, and/or endorsed an unwritten policy that permitted police officers to arrest children as young as six years old.

155. Defendant City also maintained a policy of hiring inexperienced reserve officers, such as Defendant Turner, to function as SROs.

156. These policies ignored the cognitive and emotional limitations of children that were well known to the City at this time.

157. These policies increased the risk of constitutional violations of young children, and Defendant Chief failed to curtail these policies despite the obvious harm that they posed.

158. These policies also actually were the moving force behind the constitutional violation(s) that befell K.R., to wit: Defendants Turner and Ramos acted in conformity with these policies when they arrested and charged K.R. without probable cause, as asserted in this Complaint.

159. Orlando Police Department Policy and Procedure 1704.12, titled, In-Service Training, states in relevant part:

- a. It is the policy of the Orlando Police Department to maintain a training function capable of ensuring that new skills are developed, existing skills are improved and updated, state requirements are met, standards are maintained in high-liability areas, and personnel are consistently made aware of new technologies and techniques.

160. In violation of the aforesaid policy, Defendant City never instituted policies or procedures that educated officers on de-escalation techniques involving little children, the then-current or new training options and instruction regarding the brain development of children and

adolescents, and the unique harm and statistics involving little children (especially Black and Brown children) who experience excessive force or unreasonable detentions or prosecutions without probable cause.

161. Nonetheless, Defendant City is aware that the Marjory Stoneman Douglas High School Public Safety Act requires each school to have at least one School Resource Officer on sight.

162. Accordingly, Defendant City knew or had reason to know that during every school day its SROs and transport and/or patrol officers were likely to interact with all kinds of children, including those with medical/behavioral issues, like K.R.

163. Defendant City of Orlando did not train its School Resource Officers (“SROs”), such as Defendant Turner, on the importance of:

- a. De-escalating conflicts involving young children and otherwise complying with Fla. Stat. § 1006.12.;
- b. The intricacies of child and adolescent brain development; and/or
- c. The ins and outs of working with all types of students, including those with medical needs, such as K.R.

164. Defendant City of Orlando does not train its patrol and/or transport officers, including Defendant Ramos on the importance of:

- a. De-escalating conflicts involving young children;
- b. The intricacies of child and adolescent brain development; and/or
- c. The ins and outs of working with all types of students, including those with medical needs, such as K.R.

165. Upon information and belief, Defendant City of Orlando does not train supervisory officers, such as Defendant Andreacchi and Defendant Chief, on the importance of:

- a. De-escalating conflicts involving young children;
- b. The intricacies of child and adolescent brain development; and/or
- c. The ins and outs of working with all types of students, including those with medical needs, such as K.R.

166. The need for said training is so obvious that the failure of Defendants to conduct said training establishes Defendant City's objective deliberate indifference to the constitutional rights of K.R. and all who live in the City of Orlando.

167. As a direct and proximate result of Defendant City's actions and failures to act, as set forth above, K.R. has been damaged, including but not limited to: anguish, terror, physical pain, embarrassment, humiliation, feelings of powerlessness, harm to self-esteem, emotional distress, fear, anxiety, and loss of sense of personal safety and dignity.

COUNT VI
(Parental Loss of Filial Consortium)

168. All preceding paragraphs are incorporated as if fully rewritten herein.

169. This claim is brought pursuant to Florida law.

170. A parent of an injured child has a right to recover for the permanent loss of filial consortium suffered as a result of a significant injury resulting in the child's permanent total disability. *See generally, U.S. v. Dempsey*, 635 So. 2d 961, 965 (Fla. 1994).

171. Accordingly, Plaintiff Jaime Rolle, the mother of K.R., is entitled to recover and seeks recovery for the loss of companionship, society, love, affection, and solace of K.R., as well as ordinary day-to-day services that K.R. would have rendered had she not been seriously injured by the wrongdoing of Defendants as stated in this Complaint.

172. Plaintiff Jaime Rolle asserts, upon information and belief, that her daughter K.R. is so seriously injured by Defendants' alleged wrongdoing that she is likely permanently disabled.

173. Thus, due to Defendants' intentional, reckless, willful, and/or malicious conduct, K.R. is likely never going to be able to care for herself or her mother or maintain gainful employment or an independent, unassisted lifestyle as a result of the psychological trauma she sustained when she was arrested and charged without probable cause by Defendants, as aforesaid.

174. As a direct and proximate cause of Defendants' actions, as set forth above, Plaintiff Jaime Rolle has been damaged, including but not limited to: costs of caring for K.R., her own past and future medical costs, the loss of companionship, society, love, affection, and solace of K.R., as well as the ordinary day-to-day services that K.R. would have rendered had she not been seriously injured by Defendants.

VI. JURY DEMAND

175. Plaintiff respectfully demands a trial by jury on all issues so triable.

VII. PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendants, jointly and severally, as follows:

- A. That Plaintiff Jaime Rolle, as the guardian and natural parent of K.R. recovers for K.R. her pain and suffering, past and future medical expenses, loss of earning capacity, and all other claims held by K.R.;
- B. That Plaintiff Jaime Rolle and K.R. receive all compensatory and consequential damages available under Florida and/or federal law in an amount to be determined by a jury in excess of this Court's jurisdictional amount, including past and future medical care for K.R. and other economic and non-economic harm to be determined at trial;

- C. That Plaintiff Jaime Rolle and K.R. receive all equitable relief, including, without limitation, that Defendant City of Orlando be made to adopt an appropriate policy to prevent future instances of the type of misconduct described herein, to wit – including a rule that prevents officers from arresting children under the age of 12;
- D. That Plaintiff Jaime Rolle and K.R. receive all attorneys’ fees per Florida law and/or federal law, i.e. Title 42 U.S.C. § 1988, as well as the costs or interest accrued as a result of this action and any other costs that may be associated with this action; and
- E. That Plaintiff Jaime Rolle and K.R. receive any and all other relief that this Court deems equitable, just, and proper.

Respectfully submitted,

/s/ Justin S. Abbarno

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* *Pro Hac Vice* application pending