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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

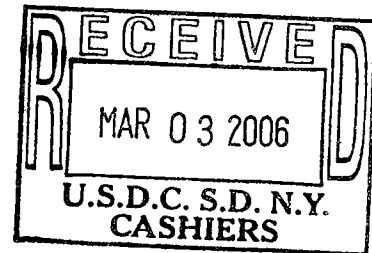
QUINN KRONEN AND CARA WOLFSON-
KRONEN,

Plaintiffs,

-against-

THE CITY OF NEW YORK; SERGEANT
WALTER, NEW YORK CITY POLICE
DEPARTMENT; and OFFICER BOWEN, NEW
YORK CITY POLICE DEPARTMENT,

Defendants.



JUDGE CHIN

06 CV 1705

Civil Action No.:

ECF CASE

COMPLAINT

Plaintiffs Quinn Kronen and Cara Wolfson-Kronen ("Plaintiffs"), by and through their undersigned counsel, Morrison & Foerster LLP and the New York Civil Liberties Union Foundation, for their complaint against defendants the City of New York, Sergeant Walter of the New York City Police Department and Officer Bowen of the New York City Police Department (collectively, the "Defendants"), allege as follows:

NATURE OF THE ACTION

1. This is a civil rights action in which plaintiffs Quinn Kronen and Cara Wolfson-Kronen seek relief for the Defendants' violation of their rights secured by the Civil Rights Act of 1871, 42 U.S.C. § 1983, by the United States Constitution, including the Fourth and Fourteenth Amendments, and by the laws and Constitution of the State of New York. The Plaintiffs seek damages, both compensatory and punitive, affirmative and equitable relief, an award of costs and attorneys' fees, and such other and further relief as this court deems equitable and just.

2. Plaintiffs Quinn Kronen and Cara Wolfson-Kronen are teachers at the New School for Arts and Sciences ("New School"), a public high school in the Bronx, New York.

3. On March 8, 2005, several officers of the New York City Police Department ("NYPD") arrived at the New School in response to a 911 call for medical assistance for a student who had been involved in a fight. Although several teachers, including Mr. Kronen and Ms. Wolfson-Kronen, had successfully stopped the fight and controlled the situation before the police responded, certain NYPD officers instigated a verbal attack on Mr. Kronen, Ms. Wolfson-Kronen and other members of the New School faculty. Despite the fact that they were doing nothing unlawful and were attempting to assist the NYPD understand the events of the fight, Mr. Kronen and Ms. Wolfson-Kronen were, without probable cause, arrested and handcuffed—in front of other students and fellow teachers—and detained at the 41st Precinct for approximately two hours before being released.

4. Shortly after their arrest, Mr. Kronen and Ms. Wolfson-Kronen received an anonymous letter signed by "The Brotherhood" which threatened them with physical harm for "messing up with our fellow officers." The letter is attached hereto as Exhibit A. Upon information and belief, this letter was sent to Mr. Kronen and Ms. Wolfson-Kronen as part of an

ongoing effort by members of the NYPD to coerce and intimidate Plaintiffs in violation of their civil rights.

5. The Defendants' unjustifiable and illegal acts of threatening, arresting and detaining Mr. Kronen and Ms. Wolfson-Kronen violated the Fourth and Fourteenth Amendments of the United States Constitution as well as counterpart provisions in the laws and Constitution of New York State. The Plaintiffs seek a finding that their rights have been violated, injunctive relief, monetary damages, and attorneys' fees.

JURISDICTION AND VENUE

6. This Court has jurisdiction over the causes of action asserted in this Complaint pursuant to 28 U.S.C. §§ 1331, 1343.

7. Venue is proper pursuant to 28 U.S.C. § 1391(b) in that Plaintiffs' claims arise in the Southern District of New York.

8. This Court has supplemental jurisdiction over all state constitutional claims and state law claims pursuant to 28 U.S.C. § 1367(a).

PARTIES

9. Plaintiff Quinn Kronen is a resident of Yonkers, New York. He has been employed as an English teacher at the New School for the last six years. In addition to his duties as an English teacher, Mr. Kronen is the Literacy Coach for the New School and in that capacity is responsible for, *inter alia*, the professional development of the other teachers in the New School. Prior to this incident, Mr. Kronen had never been arrested.

10. Plaintiff Cara Wolfson-Kronen is a resident of Yonkers, New York. In or about the Fall of 2005, Ms. Wolfson-Kronen legally changed her name from Cara Wolfson to Cara Wolfson-Kronen. She has been employed as a Social Studies teacher at the New School for the

last four years. In addition to her duties as a Social Studies teacher, Ms. Wolfson-Kronen is also the College Advisor for all the students at the New School. Prior to this incident, Ms. Wolfson-Kronen had never been arrested.

11. Defendant the City of New York is a municipal corporation within the State of New York and the New York City Police Department is an agency of the City of New York established by New York City Charter § 431.

12. Defendant Sergeant Walter, Badge Number Unknown, was, at all relevant times hereto, a Sergeant in the NYPD and assigned to the 41st Precinct, located at 1035 Longwood Avenue, Bronx, New York. She is sued in her official capacity for compensatory damages and in her individual capacity for compensatory and punitive damages.

13. Defendant Officer Bowen, Badge Number Unknown, was, at all relevant times hereto, a police officer in the NYPD and assigned to the 41st Precinct. She is sued in her official capacity for compensatory damages and in her individual capacity for compensatory and punitive damages.

FACTUAL ALLEGATIONS

Background

14. The New School—where both Mr. Kronen and Ms. Wolfson-Kronen work as teachers—is a public high school in the Hunts Point section of the Bronx. For the last ten years, the high school has been serving about 400 predominately African American and Hispanic students.

15. Last year, from a class that started with roughly 125 freshmen and ended with about 90 seniors, only approximately 40 students graduated. Of the students that did graduate, the majority went on to college.

16. Since its founding, the location of the New School has been moved six times. It has been housed at 965 Longwood Avenue in the Bronx for the last four years. The New School's current facilities do not include a gymnasium, an auditorium or a cafeteria.

17. While there is a relatively high turn-over rate for teachers working at the New School, there is a core of teachers that have been there for several years, including Mr. Kronen and Ms. Wolfson-Kronen.

18. The New School employs School Aides to monitor the hallways and promote the school's safe environment.

19. In addition, there are School Safety Agents permanently assigned to the New School. School Safety Agents are civilians employed by the NYPD charged with ensuring the safety of "students, faculty and visitors in New York City Public School buildings by patrolling assigned areas, operating scanning equipment, confiscating contraband, and checking in visitors." See <http://www.nyc.gov/html/nypd/htnt/misc/school-safety.html> (last checked on Jan. 21, 2006).

20. The NYPD's 41st Precinct is located at 1035 Longwood Avenue in the Bronx, approximately two blocks from the New School. Yet, despite its geographic proximity, the New School and the 41st Precinct have limited interaction and, upon information and belief, a specific officer from the 41st Precinct is not assigned to be on-duty guarding the school.

21. In addition, upon information and belief, the NYPD and specifically the 41st Precinct have failed to train adequately its officers and to develop and implement procedures to ensure that, when responding to an incident at a school, the responding officers are provided with and are following procedures to insure that constitutional rights are protected

22. The NYPD Patrol Guide Manual (“P.G.”) is silent as to the suitable and appropriate demeanor and dignitary qualities police officers should demonstrate when entering schools and interacting with students, teachers and administrators. Similarly, upon information and belief, the training provided by the NYPD to its police officers does not address these matters.

The Fight

23. On March 8, 2005, at approximately 11:30 in the morning, six female students at the New School were involved in a physical altercation in the women’s bathroom on the first-floor of the school adjacent to Mr. Kronen’s office and classroom.

24. The students involved in the fight locked themselves in the bathroom, along with another student attempting to break up the fight.

25. At the time of the fight, Ms. Wolfson-Kronen was in Mr. Kronen’s office using his computer when she heard banging against the wall. Because Ms. Wolfson-Kronen could not identify where the noise was coming from, she went out into the hallway to investigate. Once in the hallway, she heard students fighting in the bathroom and saw several other teachers trying to get access into the bathroom.

26. A School Aide is usually posted directly outside the women’s bathroom and maintains a key for the bathroom door. That School Aide was absent from work, however, and, as a result, it took Ms. Wolfson-Kronen and the other teachers several minutes to locate a key and finally open the bathroom door. When the bathroom door was opened, Ms. Wolfson-Kronen saw seven female students in the bathroom, six of whom appeared to be involved in the fight.

27. Ms. Wolfson-Kronen, with the help of a School Safety Agent and other teachers, isolated the student who appeared to be the primary aggressor and brought her down to the Principal's office.

28. Mr. Kronen, who was on his way out of the building for lunch, heard the commotion in the hallway and saw another teacher standing in the doorway of the bathroom asking for help to break up a fight. Mr. Kronen entered the bathroom and saw several students, including at least two students who were fighting. He interceded, and with the help of other teachers, managed to break the two students apart.

29. Concerned with keeping the fighting students apart, Mr. Kronen and several other teachers took some of the students into Mr. Kronen's classroom to calm them down. At this time, Mr. Kronen's classroom was beginning to fill up with other students coming in for their scheduled next period class.

30. At approximately this time, Ms. Wolfson-Kronen went back to the bathroom to assess the situation. Ms. Wolfson-Kronen was informed by another teacher that one student who remained in the bathroom, was injured and in need of medical attention.

31. Ms. Wolfson-Kronen went to the Guidance Counsel's office and called 911 in order to get the injured student medical help. Ms. Wolfson-Kronen informed the 911 operator that a fight had taken place at the school, but that the situation was under control and the fight had been stopped. She informed the operator that she was calling 911 because a student had been hurt. Ms. Wolfson-Kronen then returned to the bathroom to check on the student.

32. Mr. Kronen, along with several other teachers, stayed in his classroom and made sure the girls who had been brought into the classroom remained calm.

The NYPD's Response

33. Although Ms. Wolfson-Kronen had informed the 911 operator that the fight had been defused, at least seven police officers along with ambulance personnel responded and entered the New School at approximately 12:00 noon. Some of the officers and the ambulance personnel went to the bathroom to examine and treat the injured student. The ambulance personnel asked Ms. Wolfson-Kronen to remain in the bathroom while they examined the student. Ms. Wolfson-Kronen stayed with the injured student and helped to calm her down.

34. At approximately the same time, several other police officers—including Sergeant Walter and Officer Bowen—and School Safety Agent Silva entered Mr. Kronen's classroom.

35. Ms. Wolfson-Kronen then left the bathroom and went into Mr. Kronen's classroom.

36. One of the police officers asked the teachers to identify the students who had been involved in the fight and said that they would be handcuffed. Since the fight had already been defused and there was no immediacy of danger, pursuant to P.G. 215-13, rather than arresting the students involved in the fight in front of the other students and teachers in Mr. Kronen's classroom, the officers should have removed the students to a semi-private location such as the Principal's office prior to handcuffing and arresting them.

37. In response to the officer's demand that the offending students be identified, Mr. Kronen and another teacher pointed out the students who had been involved in the fight and who were now peacefully sitting in the front of the classroom. Mr. Kronen asked the police officers and School Safety Agent Silva whether it was necessary to cuff the students and force them to sit in handcuffs in front of the other students. He asked whether it would be possible to simply walk the students outside if they were going to be removed from school grounds.

The Arrests

38. In response to the question posed by Mr. Kronen, Officer Bowen told the group of teachers “you fucking teachers need to get your shit together. These kids are running crazy. You need to get rid of them.” Mr. Kronen responding by saying that it was inappropriate for the officers to use that language in front of the students, that the teachers could not simply “get rid” of students and that the teachers needed to work together with the NYPD to help maintain the safety of the school.

39. At that point, Sergeant Walter told Mr. Kronen that he had “better shut the fuck up” or she would arrest him too. Several of the teachers, including Mr. Kronen, told Sergeant Walter that it was not necessary to use that language and yell, especially in front of the students who were now in the classroom. Sergeant Walter only began yelling louder and louder at the teachers, saying “you teachers need to get your fucking act together, you’d think with your Ph.D’s you would know how to run this place.” In response, Mr. Kronen sat down and stopped speaking, but Sergeant Walter kept yelling at him.

40. Ms. Wolfson-Kronen then said to Sergeant Walter that it was not fair that Mr. Kronen had been ordered to be quiet while she continued to yell at him and the other teachers. Sergeant Walter then threatened Ms. Wolfson-Kronen that she had better shut up or she would be arrested as well. When Ms. Wolfson-Kronen asked the Sergeant why, Sergeant Walter said, “that is it; cuff the bitch.”

41. Although several of the teachers present in the room protested and asked the officers not to detain Ms. Wolfson-Kronen, Officer Bowen, acting on Sergeant Walter’s orders, placed her in handcuffs. Officer Bowen, along with two unknown officers, then removed Ms.

Wolfson-Kronen from the classroom and took her into the hallway. At no time was there any probable cause to detain or arrest Ms. Wolfson-Kronen.

42. When she was taken into the hallway in handcuffs, Ms. Wolfson-Kronen was seen by many of her students and the New School's Assistant Principal. Ms. Wolfson-Kronen was subsequently taken outside without a coat and eventually placed in a patrol car. Despite repeated requests, Ms. Wolfson-Kronen was not informed by the arresting officers why she was being arrested. At no time did any of the police officers inform Ms. Wolfson-Kronen of her rights.

43. After Ms. Wolfson-Kronen was arrested and removed from Mr. Kronen's classroom, Sergeant Walter continued her verbal attack toward Mr. Kronen. Without having any reasonable basis, Sergeant Walter ordered Police Officer Vidal to take Mr. Kronen's driver's license and run a search for any outstanding warrants against Mr. Kronen. Mr. Kronen turned over his driver license as requested, and the search did not find any outstanding warrants against him. Mr. Kronen continued to sit in silence as Sergeant Walter persisted in her tirade. Mr. Kronen finally asked the other officers if they would ask Sergeant Walter to please cease her screaming. Mr. Kronen was told by the officers that she is the sergeant and that she can do whatever she wants to do.

44. Sergeant Walter then directed the police officers to arrest Mr. Kronen. An officer whose identity is not known to Plaintiffs at this time told Mr. Kronen that they "could just write him a ticket," but they wanted Mr. Kronen to "walk out of [t]here in cuffs." Mr. Kronen asked what he was being arrested for, but the officer told him that they "didn't have to tell him that." With his hands handcuffed behind his back, Mr. Kronen was escorted out of his classroom as Officer Bowen shouted at him, "That PhD is doing you a lot of good now, isn't it?" Mr. Kronen was taken out of the school handcuffed and placed in the back of a patrol car.

45. At no time was there any probable cause to detain or arrest Mr. Kronen. At no time did any of the police officers inform Mr. Kronen of his rights.

The Precinct

46. Ms. Wolfson-Kronen was brought to the 41st Precinct, which is about two blocks from the New School. She was instructed by an officer to sit down on a bench outside of a holding cell in between the five students involved in the fight. Ms. Wolfson-Kronen and the students were handcuffed to the outside of the holding cell. Ms. Wolfson-Kronen repeatedly asked the police officers at the 41st Precinct if her students could be allowed to use the restroom, but it took over half an hour before her request was granted. Ms. Wolfson-Kronen sat handcuffed to the outside of the cell for approximately two hours.

47. Even though Ms. Wolfson-Kronen had already been seized and detained and was handcuffed to a cell, she overheard Sergeant Walter, Officer Bowen and a third unidentified police officer discussing and considering with what offenses they could charge her and Mr. Kronen.

48. Mr. Kronen was also transported to the 41st Precinct. When he arrived, he was asked to remove his belt and shoelaces. He was placed inside a holding cell—to which Ms. Wolfson-Kronen was handcuffed—along with other detained men. Mr. Kronen was held in custody in the cell for approximately two hours.

49. Upon information and belief, Mr. Kronen and Ms. Wolfson-Kronen were charged with disorderly conduct in violation of Section 240.20 of the New York Penal Law.

50. At no time prior to or during Mr. Kronen's or Ms. Wolfson-Kronen's arrest or detention was there probable cause to charge either Plaintiff with the crime of disorderly conduct.

51. At their initial court hearing on or about April 20, 2005, all of the charges against Mr. Kronen and Ms. Wolfson-Kronen were dismissed.

The Aftermath

52. At or around March 22, 2005, Mr. Kronen and Ms. Wolfson-Kronen received an anonymous letter addressed to them at the New School. The letter, which was signed “The Brotherhood,” stated that “we haven’t forgot your messing up with our fellow officers. . .” and that “[i]f I were you I’d be planning my getting out of New York fast.” The letter made reference to a 2003 movie titled “Fear X” which has to do with a secret group within the police department that takes vigilante action to protect its officers.

53. Ms. Wolfson-Kronen and Mr. Kronen were frightened by the letter and believed that the letter was purposefully sent to alarm and threaten them. After opening and reading the letter, Ms. Wolfson-Kronen immediately turned it over to a police officer who was at the New School at the time.

54. Upon information and belief, the Internal Affairs division of the NYPD investigated the incident but terminated the investigation without coming to any conclusions or resolution. Upon information and belief, the NYPD took no steps to insure that the illegal actions by its police officers both on the day of the arrests and subsequently would not reoccur.

55. As a result of Defendants’ wrongful actions, Mr. Kronen and Ms. Wolfson-Kronen were unlawfully seized, handcuffed and deprived of their liberty without probable cause and in violation of their civil rights.

56. As a result of Defendants’ wrongful actions, Mr. Kronen’s and Ms. Wolfson-Kronen’s reputations within the New School, the community and their profession as educators have been harmed.

57. As a result of the Defendants' actions, Mr. Kronen and Ms. Wolfson-Kronen suffered and continue to suffer physical injury and extreme emotional distress.

58. The Defendants' actions have been taken under color of state law.

59. Mr. Kronen and Ms. Wolfson-Kronen each filed a Notice of Claim on June 2, 2005.

FIRST CLAIM

DEPRIVATION OF RIGHTS UNDER THE UNITED STATES CONSTITUTION AND 42 U.S.C. § 1983

60. The Plaintiffs incorporate by reference the allegations set forth in Paragraphs 1 through 59 as if fully set forth herein.

61. By their conduct and actions, Defendants, acting under color of law and without lawful justification, intentionally, maliciously and with a deliberate indifference to or a reckless disregard for the probable consequences of their acts, caused injury and damage in violation of Plaintiffs' constitutional rights as guaranteed under 42 U.S.C. § 1983 and the United States Constitution, including its Fourth and Fourteenth Amendments, by arresting Plaintiffs without probable cause to believe that they had committed any crime.

62. As a result of the foregoing, Plaintiffs were deprived of their liberty, suffered specific bodily injury, pain and suffering, great humiliation, costs and expenses, and were otherwise damaged and injured.

SECOND CLAIM

DEPRIVATION OF RIGHTS UNDER THE UNITED STATES CONSTITUTION AND 42 U.S.C. § 1983

63. The Plaintiffs incorporate by reference the allegations set forth in Paragraphs 1 through 62 as if fully set forth herein.

64. By their conduct and actions, Defendants, acting under color of law and without lawful justification, intentionally, maliciously and with a deliberate indifference to or a reckless disregard for the probable consequences of their acts, caused injury and damage in violation of Plaintiffs' constitutional rights as guaranteed under 42 U.S.C. § 1983 and the United States Constitution, including its Fourth and Fourteenth Amendments, by detaining and imprisoning Plaintiffs without probable cause to believe that they had committed any crime.

65. As a result of the foregoing, Plaintiffs were deprived of their liberty, suffered specific bodily injury, pain and suffering, great humiliation, costs and expenses and were otherwise damaged and injured.

THIRD CLAIM

DEPRIVATION OF RIGHTS UNDER THE NEW YORK STATE CONSTITUTION

66. The Plaintiffs incorporate by reference the allegations set forth in Paragraphs 1 through 65 as if fully set forth herein.

67. By their conduct and actions, Defendants, acting under color of law and without lawful justification, intentionally, maliciously and with a deliberate indifference to or a reckless disregard for the probable consequences of their actions, caused injury and damage in violation of Plaintiffs' right to be free from unreasonable search and seizures under Article I, Section 12 of the New York State Constitution by arresting Plaintiffs without probable cause to believe that they had committed any crime.

68. As a result of the foregoing, Plaintiffs were deprived of their liberty, suffered specific bodily injury, pain and suffering, great humiliation, costs and expenses, and were otherwise damaged and injured.

FOURTH CLAIM

DEPRIVATION OF RIGHTS UNDER THE NEW YORK STATE CONSTITUTION

69. The Plaintiffs incorporate by reference the allegations set forth in Paragraphs 1 through 68 as if fully set forth herein.

70. By their conduct and actions, Defendants, acting under color of law and without lawful justification, intentionally, maliciously and with a deliberate indifference to or a reckless disregard for the probable consequences of their actions, caused injury and damage in violation of Plaintiffs' right to be free from unreasonable search and seizures under Article I, Section 12 of the New York State Constitution by detaining and imprisoning Plaintiffs without probable cause to believe that they had committed any crime.

71. As a result of the foregoing, Plaintiffs were deprived of their liberty, suffered specific bodily injury, pain and suffering, great humiliation, costs and expenses, and were otherwise damaged and injured.

FIFTH CLAIM

FALSE ARREST AND FALSE IMPRISONMENT

72. The Plaintiffs incorporate by reference the allegations set forth in Paragraphs 1 through 71 as if fully set forth herein.

73. By their conduct and actions described above, Defendants caused Plaintiffs to be falsely arrested and/or falsely imprisoned, without probable cause, illegally without a warrant, and without any right or authority to do so.

74. The actions and conduct of the Defendants were the direct and proximate cause of injury and damages to Plaintiffs and violated their statutory and common law rights as guaranteed by the laws and Constitution of the State of New York.

SIXTH CLAIM

INTENTIONAL AND NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

75. The Plaintiffs incorporate by reference the allegations set forth in Paragraphs 1 through 74 as if fully set forth herein.

76. By their conduct and actions described above, Defendants engaged in extreme and outrageous conduct, which intentionally and/or negligently caused severe emotional distress to Plaintiffs. The actions and conduct of defendants were the direct and proximate cause of injury and damage to Plaintiffs and violated their statutory and common law rights as guaranteed by the laws and Constitution of the State of New York.

77. As a result of the foregoing, Plaintiffs were deprived of their liberty, suffered specific bodily injury, pain and suffering, great humiliation, costs and expenses, and were otherwise damaged and injured.

SEVENTH CLAIM

ABUSE OF PROCESS

78. The Plaintiffs incorporate by reference the allegations set forth in Paragraphs 1 through 77 as if fully set forth herein.

79. By their conduct and actions described above, Defendants used the criminal process against Plaintiffs to intimidate, humiliate and embarrass them. Defendants employed regularly issued process against Plaintiffs compelling the performance or forbearance of prescribed acts.

80. The purpose of activating the process was intent to harm Plaintiffs without economic or social justification, and the Defendants were seeking a collateral advantage or corresponding detriment to Plaintiffs which was outside the legitimate ends of the process. The acts and conduct of the Defendants were the direct and proximate cause of injury and damage to

Plaintiffs and violated their statutory and common law rights as guaranteed by the laws and Constitution of the State of New York.

81. As a result of the foregoing, Plaintiffs were deprived of their liberty, suffered specific bodily injury, pain and suffering, great humiliation, costs and expenses, and were otherwise damaged and injured.

WHEREFORE, Plaintiffs respectfully request that this Court:


- (A) Assume jurisdiction over this matter;
- (B) Declare that the Defendants violated Mr. Kronen's and Ms. Wolfson-Kronen's rights by arresting and detaining them on March 8, 2005;
- (C) Issue a permanent injunction directing Defendants to return to Mr. Kronen and Ms. Wolfson-Kronen, respectively, all documents reflecting each Plaintiff's arrest and detention and ordering Defendants to expunge all computer information reflecting each Plaintiff's arrest and detention;
- (D) Order the City of New York to provide its police officers with specialized and adequate training on how to respond to school-based situations;
- (E) Order the City of New York to amend existing guidelines, regulations and policies governing the relationship between school officials and police officers;
- (F) Award compensatory damages, including interest thereon, to be established at trial;
- (G) Award incidental and consequential damages to be proven at trial;
- (H) Award punitive and compensatory damages against Defendants Sergeant Walter and Officer Bowen;

(I) Award reasonable costs and expenses incurred in this action, including counsel and expert fees; and

(J) Grant any such further relief as the Court deems appropriate.

Dated: March 3, 2006
New York, New York

MORRISON & FOERSTER LLP

By: 
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TAB A

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Postnet barcode

**Cara Wolfson
Quinn Kronen
New School for Arts and Sciences**

**This is to let you know that we haven't
forgot your messing up with our fellow
officers.**

**I guess you don't understand the
consequences of playing with deep
blue. Have you seen the movie Fear X?
That's a sample of what's coming to
you.**

**If I were you I'd be planning my getting
out of New York fast.**

The Brotherhood