

IN THE CIRCUIT COURT OF THE 11th
JUDICIAL CIRCUIT, IN AND FOR
MIAMI DADE COUNTY, FLORIDA

JANE DOE

Plaintiff,

vs

GENERAL JURISDICTION DIVISION
CASE NO.:

THE CITY OF OPA LOCKA; KENNETH
OTTLEY, in his official capacity as the
Chief of Police for the THE CITY OF OPA
LOCKA Police Department; and CARLO
ALEXANDRE an individual,

Defendant.

COMPLAINT FOR DAMAGES

COMES NOW, the Plaintiff, JANE DOE, by and through the undersigned, and sues the Defendants, THE CITY OF OPA LOCKA, KENNETH OTTLEY, in his official capacity as the Chief of Police for the The City Of Opa Locka Police Department, and CARLO ALEXANDRE, pursuant to all applicable Rules of Civil Procedure, and alleges as follows:

JURISDICTIONAL ALLEGATIONS

1. This is an action for damages that exceeds \$50,000.00, exclusive of costs, attorney's fees, and interest, and is otherwise within the jurisdiction of this court.

2. Plaintiff, JANE DOE, is and at all times was a resident of Miami-Dade County, Florida and is sui juris. This action is brought anonymously to protect the identity of JANE DOE as this matter concerns the rape and sexual assault of Plaintiff, JANE DOE.

3. The Defendant, KENNETH OTTLEY, (OTTLEY) is and was the Chief of Police for the Opa Locka Police Department at the time of the events of this case and is being sued in his official capacity.

4. The Defendant, THE CITY OF OPA LOCKA, (CITY) is a municipal corporation located within the State of Florida and existing by virtue of the laws, Constitution and Statutes thereof. At all times relevant to the allegations in this Complaint, the CITY was the employer of Defendant, CARLO ALEXANDRE.

5. Upon information and belief, Defendant CARLO ALEXANDRE, at all material times, was a resident of the State of Florida and a commissioned law enforcement officer employed by the CITY with the authority to act under color of Florida law to make arrests and otherwise enforce the laws of the CITY and the State of Florida.

6. All conditions precedent to bringing this action have been satisfied or waived.

7. Venue is proper as the incident giving rise to this action occurred within Miami-Dade County, Florida.

FACTS

8. On April 7th, 2024, JANE DOE was operating her vehicle on 21171 San Simeon Way in Miami, Florida, when City of Opa Locka Police Department Officer, CARLO ALEXANDRE, stopped her vehicle.

9. At that time and place, CARLO ALEXANDRE approached JANE DOE's vehicle and sexually assaulted JANE DOE, without any legal or moral justification.

10. As a result of these actions, Plaintiff, JANE DOE, has suffered and will continue to suffer severe psychological and emotional injuries.

COUNT ONE 42. U.S.C. § 1983
**MONELL CLAIM – DELIBERATE INDIFFERENCE TO THE HIRING, TRAINING,
AND SUPERVISION OF CARLO ALEXANDRE AS TO DEFENDANT OTTLEY and
CITY**

The Plaintiff adopts and realleges the allegations set forth in paragraphs 1 through 10 as if fully set forth herein, and further states:

11. Title 42 U.S.C. § 1983 provides, in pertinent 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...to the deprivation of any rights, privileges or immunities secured by the Constitution and laws, shall be liable to the party in an action at law.

12. Defendant CITY, through Defendant OTTLEY, had a duty to hire, train, and supervise its officers, including CARLO ALEXANDRE, on the constitutional bounds of their duties including the constitutional use of force and constitutional use of searches and seizures under the 4th Amendment to the United States Constitution.

13. Defendant CITY, through Defendant OTTLEY’s, hiring, training and supervision policies were non-existent and/or inadequate to equip officers to handle usual and recurring situations with which they must effectively navigate. Specifically, policies as to hiring, training and supervising officers were totally inadequate, without limitation, with respect to:

- a. Properly testing and screening applicants for the position of police officer and/or deliberately and intentionally disregarding evidence that an applicant would abuse their power and the the rights secured under common law, the laws of the State of Florida, and the laws and Constitution of the United States of America;

- b. Properly investigating incidents of police abuse of power and violations of the rights secured under common law, the laws of the State of Florida, and the laws and Constitution of the United States of America;
- c. Reviewing and evaluating evidence showing a police officer abuse of power and violations of the rights secured under common law, the laws of the State of Florida, and the laws and Constitution of the United States of America;
- d. Properly disciplining officers who abuse their police power and violate the rights secured under common law, the laws of the State of Florida, and the laws and Constitution of the United States of America;
- e. Properly training police officers not to abuse their police power or violate the rights secured under common law, the laws of the State of Florida, and the laws and Constitution of the United States of America;
- f. Properly supervising, directing and controlling officers to ensure they do not abuse their power and violate the rights secured under common law, the laws of the State of Florida, and the laws and Constitution of the United States of America;
- g. Promulgating and implementing policies and training regarding receiving, investigating, and reporting complaints of sexual assault by officers.
- h. Properly investigating incidents of sexual assault, and/or maintaining evidence of sexual assault by a police officer;
- i. Properly disciplining officers who commit sexual assault;
- j. Prosecuting officers who commit sexual assault;
- k. Properly training police officers not to commit sexual assault;

l. Properly supervising, directing and controlling officers to ensure CITY officers do not commit sexual assault;

14. Defendant CITY and Defendant OTTLEY, as a matter of policy, custom and/or practice, were deliberately indifferent to the consequences of failing to hire, train and supervise its officers, including CARLO ALEXANDRE.

15. As a direct and proximate cause of Defendant CITY and Defendant OTTLEY's failure to promulgate, implement and or adequately hire, train, and supervise Defendant CARLO ALEXANDRE, Plaintiff JANE DOE suffered a deprivation to her constitutionally protected rights under the Fourth Amendment to the United States Constitution, to be free from unlawful searches and seizures, and excessive use force.

WHEREFORE, the Plaintiff demands judgment against the Defendants CITY and OTTLEY in his official capacity, for damages, costs of this action, attorney's fees, and other further and equitable and legal relief as this Court may deem appropriate, along with a trial by jury on all issues so triable.

COUNT TWO: 42. U.S.C. § 1983
FOURTH AMENDMENT- UNLAWFUL SEARCH AND SEIZURE AS TO DEFENDANT
CARLO ALEXANDRE

The Plaintiff adopts and realleges the allegations set forth in paragraphs 1 through 10 as if fully set forth herein, and further states:

16. CARLO ALEXANDRE's actions constituted an unlawful search and seizure in violation of clearly established law.

17. At all relevant times, CARLO ALEXANDRE was acting under color of law, as an agent or employee of the CITY, within the scope of his employment and authority as a

commissioned law enforcement officer in the State of Florida and City of Opa Locka, when he stopped Plaintiff, performed an invasive search and seizure of Plaintiff's person and body, and proceeded to sexually assault her.

18. As a direct and proximate result of CARLO ALEXANDRE's violations of the 4th Amendment, JANE DOE, experienced catastrophic conscious pain, suffering, and emotional damage.

WHEREFORE the Plaintiff, demands judgment against the Defendant, CARLO ALEXANDRE, for damages, costs of this action, attorney's fees, and other further and equitable and legal relief as this Court may deem appropriate, along with a trial by jury on all issues so triable.

COUNT THREE 42. U.S.C. § 1983
FOURTH AMENDMENT- UNLAWFUL USE OF FORCE AS TO DEFENDANT
CARLO ALEXANDRE

The Plaintiff adopts and realleges the allegations set forth in paragraphs 1 through 10 as if fully set forth herein, and further states:

19. CARLO ALEXANDRE's actions constituted excessive force in violation of clearly established law.

20. At all relevant times, CARLO ALEXANDRE was acting under color of law, as an agent or employee of the CITY, within the scope of his employment and authority as a commissioned law enforcement officer in the State of Florida and City of Opa Locka, when he stopped Plaintiff, performed an invasive search and seizure of Plaintiff's person and body, and proceeded to sexually assault her.

21. CARLO ALEXANDRE's conduct, in effecting his invasive searches of Plaintiff JANE DOE, constituted an unlawful use of force in that JANE DOE subjected Plaintiff to unwanted physical contact, which was not objectively reasonable in light of the facts and circumstances confronting CARLO ALEXANDRE.

22. As a direct and proximate result of CARLO ALEXANDRE's violations of the 4th Amendment, JANE DOE experienced catastrophic conscious pain and suffering, and emotional damage.

WHEREFORE the Plaintiff, demands judgment against the Defendant, CARLO ALEXANDRE, for damages, costs of this action, attorney's fees, and other further and equitable and legal relief as this Court may deem appropriate, along with a trial by jury on all issues so triable.

COUNT FOUR
ASSAULT AND BATTERY AS TO DEFENDANT CARLO ALEXANDRE

Plaintiff, JANE DOE, realleges the allegations contained in Paragraphs 1 through 10 as if fully restated herein.

23. Defendant CARLO ALEXANDRE, by a show of force or violence, intended to cause an offensive or harmful physical contact with Plaintiff, JANE DOE.

24. Defendant CARLO ALEXANDRE, by a show of force or violence, did cause an offensive or harmful physical contact with Plaintiff, JANE DOE.

25. Defendant CARLO ALEXANDRE's offensive or harmful contact occurred without Plaintiff, JANE DOE's, consent.

26. Plaintiff, JANE DOE, was injured as a result of the sexual battery upon her by

Defendant CARLO ALEXANDRE.

27. As a direct and proximate result of CARLO ALEXANDRE's assault and battery, JANE DOE, experienced catastrophic conscious pain and suffering, emotional damage, and physical injury.

WHEREFORE the Plaintiff, demands judgment against the Defendant, CARLO ALEXANDRE, for damages, costs of this action, and other further and equitable and legal relief as this Court may deem appropriate, along with a trial by jury on all issues so triable.

COUNT FIVE
NEGLIGENT, HIRING, TRAINING, AND SUPERVISION AS TO DEFENDANT CITY
AND OTTLEY

Plaintiff, JANE DOE, realleges the allegations contained in Paragraphs 1 through 10 as if fully restated herein.

28. At all relevant times to this action, Defendant CITY employed CARLO ALEXANDRE as an officer, granting CARLO ALEXANDRE the authority to act under color of Florida law to make arrests and otherwise enforce the laws of the CITY and the State of Florida.

29. Defendant CITY, through Defendant OTTLEY, had a duty to hire, train, and supervise its deputies including, Defendant CARLO ALEXANDRE. Such duties include but are not limited to:

- a. Adequately screening applicants for hire;
- b. Training officers on the constitutional use of force, searches and seizures, including but not limited to training officers not to commit sexual assault;
- c. Adequately supervising, officers to ensure their conduct is in accordance with laws of the State of Florida and the Constitution of the United States, including but

not limited to properly supervising, directing and controlling officers to ensure they do not commit sexual assault;

30. Defendant CITY and OTTLEY breached their duty to adequately hire, train and supervise its officers, including CARLO ALEXANDRE.

31. As a direct and proximate result, of the CITY's negligent hiring, training, and supervision, JANE DOE suffered catastrophic conscious pain and suffering, emotional damage, and physical injury.

WHEREFORE the Plaintiff, demands judgment against the Defendant, CITY and OTTLEY, for damages, costs of this action, and other further and equitable and legal relief as this Court may deem appropriate, along with a trial by jury on all issues so triable.

COUNT SIX
VICARIOUS LIABILITY AS TO DEFENDANTS OTTLEY AND CITY

Plaintiff, JANE DOE, realleges the allegations contained in Paragraphs 1 through 10 as if fully restated herein.

32. Defendant CARLO ALEXANDRE was at all relevant times to this action an employee and agent of Defendants CITY and OTTLEY in his official capacity.

33. Defendant CARLO ALEXANDRE was acting within the course and scope of his employment and agency, in full uniform, operating a marked police car, and was purportedly acting to enforce Florida and CITY laws, when he battered and sexually assaulted JANE DOE.

34. Defendants CITY and OTTLEY, as the employers and principals of Defendant CARLO ALEXANDRE, are directly chargeable for the tortious acts and omissions of their employees and agents, including Defendant CARLO ALEXANDRE, under the doctrine of respondeat superior.

35. Under the doctrine of respondeat superior, Defendant OTTLEY, is vicariously liable for the negligent actions and omissions of his officers including Defendant, CARLO ALEXANDRE.

WHEREFORE the Plaintiff, demands judgment against the Defendant, CITY and OTTLEY, for damages, costs of this action, and other further and equitable and legal relief as this Court may deem appropriate, along with a trial by jury on all issues so triable.

COUNT SEVEN
VIOLATION OF FLORIDA PUBLIC RECORDS LAW AS TO DEFENDANT CITY

Plaintiff, JANE DOE, realleges the allegations contained in Paragraphs 1 through 10 as if fully restated herein.

36. The Florida Public Records Law, Fla. Stat. § 119.07(1)(a), states that “every person who has custody of a public record shall permit the record to be inspected.”

37. Plaintiff provided written notice identifying the public record request to Defendant CITY’s custodian of public records at least 5 business days before filing this civil action.

38. Defendant CITY OF OPA LOCKA POLICE DEPARTMENT unlawfully refused to permit the public records from being inspected or copied.

39. As of the date of the filing of this Petition, Defendant CITY has refused to permit the public records from being inspected or copied.

40. All conditions precedent to bringing this action have been satisfied or waived.

WHEREFORE, the Plaintiff demands judgment against the Defendant, CITY, for injunctive relief, reasonable costs and attorneys’ fees pursuant to Florida Public Records Law § 119.12(1) and all other further and equitable and legal relief as this Court may deem appropriate.

DEMAND FOR TRIAL BY JURY

Plaintiff hereby demands a trial by jury on all questions of fact raised in the Complaint.

Dated this **March 13, 2025**.

GOLDBERG & ROSEN, P.A.

Counsel for Plaintiff

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/s/ Jorge Simon

BY _____

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