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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

KYUNGYONG LEE, as administrator
of the ESTATE OF VICTORIA LEE,
SUKRI CHO LEE, and JIHOON
(CHRIS) LEE,

Plaintiffs,

v.

THE BOROUGH OF FORT LEE;
FORT LEE POLICE DEPARTMENT
OFFICER TONY PICKENS, JR.,
SERGEANT HYOU JOON LEE,
OFFICER NICHOLAS CIMA,
OFFICER MICHAEL SCICUTELLA,
SERGEANT GEORGE
KOUTROUBINIS, and JOHN AND
JANE DOE OFFICERS *in their*

Civil Action No.

**COMPLAINT AND DEMAND
FOR JURY TRIAL**

individual capacities,

Defendants.

Plaintiffs Kyungyong Lee, as Administrator of the Estate of Victoria Lee, Sukri Cho Lee, and Jihoon (Chris) Lee, by and through their attorneys, the law firm Neufeld Scheck Brustin Hoffmann & Freudenberger, LLP, and the Lee Law Firm, file this complaint against Defendants the Borough of Fort Lee; Fort Lee Police Department Officer Tony Pickens, Jr., Sergeant Hyoun Joon Lee, Officer Nicholas Cima, Officer Michael Scicutella, Sergeant George Koutroubinis, and John and Jane Doe Officers, in their individual capacities; and alleges as follows:

INTRODUCTION

1. Victoria Lee (“Victoria”), a beloved young woman with her whole life ahead of her, should be alive today. She is dead because the police unjustifiably killed her. Victoria’s family called 911 seeking mental health assistance. Fort Lee dispatched armed police officers in tactical gear instead. After two minutes of their arrival, the Fort Lee Police Department (“FLPD”) officers unlawfully broke down Victoria’s apartment door and fatally shot her in the chest.

2. On the morning Victoria was killed, and at the time police arrived at her apartment, Victoria had not been suspected of any crime, was not physically injured, and did not pose a threat to herself, or anyone else. Rather, Victoria, who had been diagnosed with bipolar disorder, was experiencing a mental health

episode. Her family had called 911 to arrange for an ambulance to take her to receive mental health treatment.

3. When Defendant Officer Tony Pickens, Jr. arrived, he opened the door to Victoria’s apartment and could see Victoria standing with her mother, Sukri Lee (“Sukri”). Victoria told Pickens to “step back” and closed her door. Neither Victoria, her mother, nor her brother Jihoon (“Chris”) Lee, who was also at the scene, were in any visible danger.

4. Instead of assessing the existence of any actual threat, or how best to assist Victoria, Pickens—along with Sergeant Hyoun Joon Lee, Officer Nicholas Cima, Officer Michael Scicutella, Sergeant George Koutroubinis, and John and Jane Doe Officers (collectively “FLPD Defendants”)—unjustifiably broke down Victoria’s apartment door and, within seconds, fatally shot her.

5. It is well known that police responses to mental health emergencies pose significant risks to the people in crisis. This is particularly true for FLPD responses, where, according to a 2024 FLPD Internal Affairs Report, “[a] large portion of reported use of force involved subjects with potential mental health conditions.”¹

¹ FLPD Internal Affairs Reports, 2024 Annual Use of Force and Vehicle Pursuit Summary, p. 8, available at <https://public.powerdms.com/FLPDNJ/tree/documents/3649840>.

6. To avoid needless injury or death, governmental bodies and law enforcement experts have long-emphasized the importance of employing de-escalation techniques, utilizing and dispatching mental health professions or co-response teams—comprised of both mental health professionals and law enforcement officers—and relying on the judgment of trained mental health professionals in these interactions. By the time of Victoria’s death, much of this guidance had been codified in New Jersey’s laws, and implemented by Fort Lee and the FLPD, specifically.

7. The response by Defendant Fort Lee and Defendant FLPD Officers ran directly counter to these well-established procedures for how to de-escalate and safely respond to a community member experiencing a mental health episode or crisis.

8. As an initial matter, although Chris called 911 to request that Victoria be brought to a mental health clinic where she had received treatment in the past, Defendant Fort Lee dispatched a heavily armed police squad (who were not medical or mental health professionals at all). Although the FLPD officers on the scene knew Victoria was experiencing symptoms related to a mental health disability, the officers failed to employ standard de-escalation techniques in their interactions with Victoria.

9. For example, standard de-escalation techniques require consulting with family members or other caregivers, but FLPD Defendants did not attempt to meaningfully consult with Sukri or Chris when they arrived on the scene or to understand Victoria's mental health condition and whether anyone was in any danger.

10. Standard de-escalation principles also require putting distance and physical barriers between responders and the individual in crisis and using the passage of time to allow the situation to de-escalate naturally to avoid use of force wherever possible. But FLPD Defendants did the opposite, rushing headlong into a situation which led to the unnecessary and unlawful use of excessive force against Victoria.

11. When the other FLPD Defendants arrived, they, too, failed to employ any de-escalation techniques. Instead, equipped with tactical gear and weapons, they joined Pickens, converging outside of Victoria's door and lining the hallway.

12. Frustrated that Victoria had closed her apartment door shut after Pickens had first opened it and was not willing to open the door back up when he knocked, the FLPD Defendants made the decision to forcibly enter her apartment within a minute and a half of Pickens's initial arrival at her door, even though there was no legal basis to do so.

13. Just before breaking down the door, the officers discussed briefly amongst themselves that they were prepared to use lethal force once the door was open, despite having observed nothing to indicate Victoria was a danger to herself or others, having a shield available to protect the officers, and understanding that Victoria had, at most, a knife.

14. At the moment FLPD Defendants broke down Victoria's door, it was clear that Victoria—who the officers knew was experiencing symptoms of a mental health condition—was already agitated by the police presence. This was all the more reason the FLPD Defendants should not have departed from standard de-escalation practices.

15. These deviations from accepted de-escalation practices had tragic but predictable consequences. Defendant Pickens shot Victoria dead within three seconds of forcibly opening her door, causing her to drop to the floor. Victoria died the same day from the gunshot wound.

16. FLPD Defendants acted with deliberate indifference to Victoria's rights and engaged in shocking misconduct far short of minimally acceptable police practices. Instead of ensuring Victoria's well-being, FLPD Defendants created the situation which led to Victoria's death. Instead of transporting Victoria to the hospital for the mental health treatment her brother requested, they killed her.

17. Defendant Fort Lee also violated Victoria's rights under the Americans with Disabilities Act ("ADA") and the Rehabilitation Act by failing to make reasonable modifications to their law enforcement services and emergency response and dispatch service in light of Victoria's mental health disability, and by denying her an equal opportunity to benefit from their services. Fort Lee acted with deliberate indifference to the likelihood that its actions and inactions would result in a violation of Victoria's federally protected rights.

18. At the time of her death, Victoria was a mere twenty-five years old. She was beloved by her parents, Kyungyong and Sukri Lee, and she was a cherished sister, and roommate, to Chris. Victoria was a cellist who loved music and spent her free time writing and recording songs. She studied at Lehigh University, interned at a sound engineering studio in Manhattan, and helped bookkeep for her parents' business.

19. Victoria was diagnosed with bipolar disorder around 2016. Having a mental health disability is not a crime and the price of asking for help during a mental health episode should not be a death sentence. Individuals experiencing a mental health episode or crisis deserve access services without the threat of violence, and their families should be able to call for help without the fear that such a call will end in their loved one's death.

20. Tragically, FLPD Defendants' misconduct at the beginning of the police encounter caused Victoria to reasonably fear that she would be killed. Indeed, during the encounter with police, Victoria indicated that she feared that the police would shoot her—and they did. FLPD Defendants' misconduct also caused her to suffer agonizing pain after she was shot and prior to her death. Victoria's family was not allowed to accompany her to the hospital, and her final moments were spent alone, away from the people she loved.

21. Sukri and Chris also suffered and continue to suffer immeasurable emotional and psychological harm due to FLPD Defendants and Defendant Fort Lee's conduct. Sukri watched her daughter suffer excruciating pain in front of her eyes. Witnessing the events of the shooting has caused Sukri unimaginable pain from which she will never recover. She will live with the memory of Victoria's shooting replaying in her mind over and over like a nightmare she will never wake up from. Chris also suffered and will continue to suffer from witnessing police interactions with his sister and hearing the fatal gunshot go off. He will be haunted by this violent memory and the pain of having called 911 for the rest of his life.

22. This suit seeks to hold Defendants accountable for the failures that led to Victoria's death.

JURISDICTION AND VENUE

23. This action is brought pursuant to 42 U.S.C. § 1983 to redress the deprivation, under color of law, of Victoria Lee's rights as secured by the United States Constitution, asserted on behalf of the Estate of Victoria Lee by its Administrator, Plaintiff Kyungyong Lee.

24. This action is also brought to redress violations of Victoria Lee's rights under Title II of the Americans with Disabilities Act, 42 U.S.C. § 12131, *et seq.*, and under the Rehabilitation Act, 29 U.S.C. § 794(a), likewise asserted on behalf of the Estate of Victoria Lee by its Administrator.

25. Plaintiffs Sukri Lee and Chris Lee additionally assert claims, in their individual capacities, for injuries they personally sustained as a result of Defendants' conduct.

26. This Court has federal question jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1343.

27. This Court has supplemental jurisdiction, pursuant to 28 U.S.C. § 1367(a), over any and all state constitutional and state law claims that are so related to the claims within the original jurisdiction of this court that they form part of the same case or controversy.

28. Venue is properly laid in the District of New Jersey under 28 U.S.C. § 1391(b), in that this is the District in which the claim arose.

29. Plaintiffs have complied with the requirements of the New Jersey Tort Claims Act (“NJTCA”), N.J. Stat. Ann. § 59:1-1 *et seq.* Plaintiffs made and served notices of claim on Defendant Fort Lee, notifying the Borough of their claims against it, as well as against Officer Pickens, Sergeant Hyoun Joon Lee, and John and Jane Doe Employees of Fort Lee, within the time required under the NJTCA. *See* N.J. Stat. Ann. § 59:8-8(a). More than six months have elapsed since the service of those notices, and Plaintiffs have not received any response, other than a confirmation of receipt via email. *See id.*

PARTIES

30. Decedent, Victoria Lee, was shot in the chest and killed on July 28, 2024. By the time of her death, Victoria had been diagnosed with multiple mental health disabilities, including bipolar disorder. These conditions substantially limited one or more of her major life activities, including but not limited to communicating, concentrating, caring for herself, performing manual tasks, interacting with others, and working. Victoria is therefore qualified as a person with a disability within the meaning of the ADA and the Rehabilitation Act.

31. **Plaintiff Kyungyong Lee** is Victoria’s father and the administrator of the Estate of Victoria Lee. He brings claims on behalf of the Estate.

32. **Plaintiff Sukri Lee** is Victoria's mother. She was present with Victoria in her apartment on the night of her death and witnessed the shooting of Victoria and the events leading up to the shooting.

33. **Plaintiff Jihoon (Chris) Lee** is Victoria's brother. He was present with Victoria, in their shared apartment, on the night of Victoria's death, witnessed the events leading up to the shooting, and heard the shooting.

34. At all relevant times, **Defendant Tony Pickens, Jr.** was employed as an officer of the FLPD, acting under color of law and in his individual capacity within the scope of employment pursuant to the statutes, ordinances, regulations, policies, customs, and usage of Defendant Fort Lee and the State of New Jersey. Upon information and belief, he is entitled to indemnification under statute and by contract. He is sued in his individual capacity.

35. At all relevant times, **Defendant Hyou Joon Lee** was employed as a sergeant of the FLPD, acting under color of law and in his individual capacity within the scope of employment pursuant to the statutes, ordinances, regulations, policies, customs, and usage of Defendant Fort Lee and the State of New Jersey. Upon information and belief, he is entitled to indemnification under statute and by contract. He is sued in his individual capacity.

36. At all relevant times, **Defendant Nicholas Cima** was employed as an officer of the FLPD, acting under color of law and in his individual capacity within

the scope of employment pursuant to the statutes, ordinances, regulations, policies, customs, and usage of Defendant Fort Lee and the State of New Jersey. Upon information and belief, he is entitled to indemnification under statute and by contract. He is sued in his individual capacity.

37. At all relevant times, **Defendant Michael Scicutella** was employed as an officer of the FLPD, acting under color of law and in his individual capacity within the scope of employment pursuant to the statutes, ordinances, regulations, policies, customs, and usage of Defendant Fort Lee and the State of New Jersey. Upon information and belief, he is entitled to indemnification under statute and by contract. He is sued in his individual capacity.

38. At all relevant times, **Defendant George Koutroubinis** was employed as a sergeant of the FLPD, acting under color of law and in his individual capacity within the scope of employment pursuant to the statutes, ordinances, regulations, policies, customs, and usage of Defendant Fort Lee and the State of New Jersey. Upon information and belief, he is entitled to indemnification under statute and by contract. He is sued in his individual capacity.

39. At all relevant times, **Defendants John and Jane Doe Officers** were employed by the FLPD, acting under color of law and in their individual capacity within the scope of employment pursuant to the statutes, ordinances, regulations, policies, customs, and usage of Defendant Fort Lee and the State of New Jersey.

Upon information and belief, they are entitled to indemnification under statute and by contract. They are sued in their individual capacity.

40. **Defendant the Borough of Fort Lee** is a municipality organized and existing under the laws of the State of New Jersey. At all relevant times, Defendant Fort Lee was responsible for the policies, practices, and customs of its emergency dispatch service. Defendant Fort Lee was also responsible for the policies, practices, and customs of the FLPD, including the appointment, training, and supervision of all FLPD personnel; enforcing the rules of the FLPD; and ensuring that FLPD personnel obey the laws of the United States and the State of New Jersey. Defendant Fort Lee is also responsible for the acts of the individual FLPD Defendants while employed by Fort Lee and while acting under color of law and within the scope of their employment. Defendant Fort Lee is a public entity subject to Title II of the ADA and the Rehabilitation Act. It operates the FLPD and Fort Lee's emergency dispatch service; is responsible for the discriminatory actions of its employees; and it provides programs, services, and/or activities within the meaning of Title II via police work and emergency dispatch involving the public. Defendant Fort Lee receives federal funding that requires compliance with the Rehabilitation Act.

FACTUAL ALLEGATIONS

It is well recognized that law enforcement must employ specific de-escalation practices when interacting with individuals experiencing mental health symptoms in order to avoid the unnecessary use of force.

41. Over the past several years, there has been increasing recognition of the significant risks that law enforcement officers pose to individuals experiencing mental health disabilities. By the time of Victoria's death, this reckoning had occurred at the local, state, and federal levels.

42. The State of New Jersey, for example, had explicitly recognized the need for police to mitigate the risks they pose to people with mental health disabilities during the course of their interactions with them. In 2020, two out of every three use of force incidents by law enforcement in New Jersey, and more than half of all fatal police encounters, involved someone experiencing mental health or substance abuse issues.

43. In 2021, in response to the "untenable" status quo where "the same armed officer responding to a robbery is also the government's answer to the emergency call of a person in behavioral health crisis," the New Jersey Department of Human Services, community stakeholders, the Office of the Attorney General, and the New Jersey State Police piloted the ARRIVE Together. The program paired State Troopers trained in crisis intervention and de-escalation with a certified mental health screener and crisis specialist to respond to 911 calls

involving behavioral health. The program was soon implemented in counties across the State.² Though Bergen County participated in the ARRIVE Together program before the time of Victoria’s death, Fort Lee was not a participant.

44. In early 2023, the Brookings Institute published findings from its analysis of 342 police service calls demonstrating that ARRIVE Together reduced the use of force and arrests, mitigated racial disparities in outcomes, and increased utilization of social services.³ Brookings concluded that “ARRIVE Together has the potential to improve police-community relations, change law enforcement culture, and provide substantive assistance to people suffering from mental health symptoms.”⁴

45. Moreover, decades before Victoria’s death, New Jersey had enacted mental health laws, which mandated that individuals experiencing psychiatric emergencies be provided treatment in “the least restrictive environment” possible to prevent unnecessary hospitalization or criminalization. N.J. Stat. Ann. § 30:4-27.1–27.4. To effectuate this mandate, state regulations required the designation of screening and crisis stabilization services that would operate “24 hours per day,

² See N.J. ATT’Y GEN., *ARRIVE Together Initiative: Co-responder pilot program*, available at: <https://www.njoag.gov/programs/behavioralhealth/>.

³ Rashawn Ray, *New Jersey ARRIVE Together program could reform policing as we know it*, THE BROOKINGS INST. (Mar. 16, 2023), available at: <https://www.brookings.edu/articles/new-jersey-arrive-together-program-could-reform-policing-as-we-know-it/>.

⁴ *Id.*

365 days per year, in every geographic area in the State of New Jersey.” N.J.

Admin. Code §§ 10:31-1.1.

46. In line with these regulations, Fort Lee residents were offered psychiatric services through Bergen County’s “Psychiatric Emergency Screening” (“PES”) Program. Operated by CarePlus NJ at the Bergen New Bridge Medical Center, the PES Program provides 24/7 mental health services, which include dispatching certified mental health screeners directly into the community to support individuals in need.⁵

47. Within this state-mandated framework, the FLPD recognized the need for the use of Bergen County’s PES Program in its protocols. Specifically, in FLPD’s policy regarding “emotionally disturbed persons,” there is information about the program, including the hotline number; guidance about what information officers should relay to the hotline clinician; and instructions regarding when to request an on-site screening (which was required when the situation appeared to be dangerous).

48. FLPD’s policy for “emotionally disturbed persons” also required use of de-escalation techniques, such as finding a relative that can assist and explain

⁵ 262-HELP Psychiatric Emergency Screening Program – PESP (CarePlus NJ), Bergen ResourceNet (Dec. 11, 2025), <https://www.bergenresourcenet.org/search/262-help-psychiatric-emergency-screening-program-pesp-careplus-nj/>.

the person's behavior. The policy further contained procedures for the voluntary commitment and involuntary commitment of individuals with mental health disabilities, including individuals that may be assessed as posing a danger to themselves or others. Even where danger levels were high and on-site screening was not practicable, FLPD officers were to arrange for transportation to New Bridge or another appropriate hospital.

49. The FLPD had a separate use of force policy in place that included a number of core principles that officers were required to abide by. The first was that officers "make every effort to preserve and protect human life" and to "respect the dignity of all persons in a non-discriminatory manner."

50. The second core principle made clear that force is a last resort, and that officers must, among other things, collect information from family members and caregivers to resolve the situation before utilizing force. Officers must also employ numerous verbal and nonverbal de-escalation techniques to reduce, stabilize, or eliminate the immediacy of a perceived threat, including: communicating in a calm manner; having only one officer communicate with a subject; exhibiting a genuine willingness to listen; slowing down the pace of the interaction using time and distance; explaining the officers' actions, and eliminating sensory distractions like loud noises.

51. This policy’s third core principle directed officers to use the least amount of reasonable force possible. Finally, the fourth core principle emphasized that officers must avoid taking actions that create a substantial risk of death or serious bodily injury.

52. The New Jersey Attorney General had also issued statewide directives and policies for law enforcement, including ones governing the use of force and interactions with individuals experiencing behavioral or mental health crises.⁶ Like FLPD’s policies, the New Jersey Attorney General policies are guided by several core principles, including first and foremost law enforcement’s duty to “preserve and protect human life” and “uphold the dignity of all persons at all times in a non-discriminatory manner.”⁷

53. The New Jersey Attorney General’s policies also contain specific requirements for officers to engage in de-escalation techniques, including when interacting with civilians in a behavioral or mental health crisis. These techniques included “exhaust[ing] all other reasonable means to gain compliance before resorting to force;” not “us[ing] or threaten[ing] to use force . . . to resolve a situation more quickly,” unless there was legitimate risk; and not “engag[ing] in

⁶See N.J. DEP’T OF PUBLIC SAFETY, OFF. OF THE ATT’Y GEN., Attorney General Law Enforcement Directive No. 2021-14 (Dec. 2021) (updating statewide use of force policy); N.J. OFF. OF THE ATT’Y GEN., Use of Force Policy (Dec. 2021).

⁷ See N.J. OFF. OF THE ATT’Y GEN., Use of Force Policy (Dec. 2021), *supra* n.4.

unnecessary, overly aggressive, or otherwise improper actions that create a situation where force becomes necessary.”⁸

54. Moreover, the New Jersey Attorney General’s Office instructs that “[e]very officer ... has an affirmative duty to take steps to prevent any use of force that is illegal [,] excessive [or contrary to policy]” including preventing a fellow officer from using such force.⁹ And before using any force, officers shall provide clear instructions and give the person a reasonable opportunity to comply, and should consider the “degree to which the subject has been effectively restrained.”¹⁰

55. Federal guidance in place at the time of Victoria’s death also recognized the dangerousness of a police response to a mental health crisis. In a February 2024 statement of interest, for example, the United States Department of Justice (DOJ) explained that “officers’ primary role is to enforce the law, not to resolve mental health emergencies” but that “their responses to mental health

⁸ *Id.* Other New Jersey directives, which were largely integrated into FLPD policy by the time of Victoria’s death, included: using time and physical barriers to avoid a direct confrontation; delegating one officer to speak to the person experiencing mental health symptoms; explaining the officer’s actions; avoiding the unnecessary display of weapons; reducing sensory distractions; using family members to help diffuse the situation and obtain information about how the mental health crisis may affect the individual’s ability to comply with officer commands; and relying on specially trained mental health professionals.

⁹ *Id.*

¹⁰ *Id.*

emergencies are often harmful and ineffective.”¹¹ The DOJ further recognized that people with disabilities are denied an equal opportunity to benefit from emergency services where “they must risk serious harm to access the service, program, or activity.”¹²

56. Additional guidance published by the federal Department of Justice and Department of Health and Human Services in May 2023 highlighted that up to 10% of all police calls and an estimated 17% of use of force cases involve a person with a serious mental illness. Moreover, despite making up “only 22% of the population, individuals with disabilities may account for 30% to 50% of incidents of police use of force,” with those living with a mental illness accounting for 20–25% of people killed by law enforcement.¹³ Fort Lee’s own statistics from 2023, the year before its officers killed Victoria, indicated the Department engaged in 53 use of force incidents, with 23 of those incidents—or 43%—involving individuals with mental health issues.¹⁴

¹¹ Statement of Interest of the United States of America at 1, *Bread for the City v. District of Columbia*, No. 23-01945-ACR (D.D.C. Feb. 24, 2024), Dkt. No. 50.

¹² *Id.* at 11.

¹³ U.S. DEP’T OF JUST. & DEP’T OF HEALTH & HUM. SERV., Guidance for Emergency Responses to People with Behavioral Health or Other Disabilities (May 2023).

¹⁴ Fort Lee Police Dep’t, *2023 Internal Affairs Summary*, 13–14 (2024), PowerDMS, available at <https://public.powerdms.com/FLPDNJ/documents/3057161>

57. Federal guidance in place today also recommends that communities have “services available that do not involve law enforcement, recognizing the potential harm and stigma associated with police involvement in behavioral health crises.”¹⁵

58. Federal guidance, the International Association of Chiefs of Police, and the widely-used Integrating Communications, Assessment, and Tactics training guide all agree that de-escalation is a foundational principle for law enforcement interactions with individuals experiencing a mental health crisis.¹⁶ Federal guidance published by the Department of Justice and Department of Health and Human Services that had been in place at the time of Victoria’s death also instructed that outreach to individuals in mental health crisis should be conducted by trained mental health professionals through, for example, mobile outreach services or crisis stabilization services, either alone or together with law

¹⁵ SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION (SAMSHA), *National Guidelines for Behavioral Health Crisis Care: Best Practice Toolkit* 34 (Jan. 15, 2025), available at: <https://library.samhsa.gov/sites/default/files/national-guidelines-crisis-care-pep24-01-037.pdf> (also acknowledging that, in 2023, “96 individuals were killed after law enforcement responded to reports of someone behaving erratically or having a mental health crisis”).

¹⁶ See Guidance for Emergency Responses, *supra* note 1; LAW ENF’T POL’Y CTR., INT’L ASS’N OF CHIEFS OF POLICE, *Responding to Persons Experiencing a Mental Health Crisis* (Aug. 2018); *ICAT: Integrating Communications, Assessment, and Tactics, A Training Guide for Defusing Critical Incidents*, CRITICAL ISSUES IN POLICING SERIES (Police Exec. Rsch. F.), Oct. 2016.

enforcement.¹⁷ And federal guidance has warned that the failure to provide such a health response to individuals in behavioral or mental health crises—just as communities have long provided to people experiencing physical health crises—may violate the ADA.

On July 28, 2024, Victoria’s brother called 911 seeking transportation to a mental health clinic for Victoria, but Defendant Fort Lee failed to dispatch mental health professionals to the scene and instead dispatched police.

59. On July 28, 2024, 25-year-old Victoria was home with her mother and brother when, around 1:30 a.m., the FLPD police unjustifiably broke down her apartment door, shot, and killed her.

60. Approximately two weeks before Victoria’s killing, she had been experiencing symptoms of depression, making it difficult for her to interact with others, participate in her internship in Manhattan, take care of her dog, and even leave her apartment. As a result, Victoria was prescribed a new medication by her doctor. The evening before Victoria was shot, she called her mother to let her know the medication was causing her to have trouble sleeping and was negatively affecting her emotions.

61. The night before the early-morning shooting, on July 27, 2024, Sukri came over to Victoria’s apartment to soothe her. Just a little later, Chris returned to

¹⁷ See Guidance for Emergency Responses, *supra* note 1.

the apartment, where he also lived. He went to his bedroom.

62. After comforting Victoria, Sukri went to the living room to sleep. Sukri heard Victoria making noises in her bedroom indicating she was upset and experiencing symptoms related to her mental health disabilities.

63. Though Sukri did not believe Victoria was at risk of harming herself or anyone else, Sukri wanted to seek mental health care for Victoria so she could begin feeling better. Sukri asked Chris to call an ambulance to transport Victoria to a mental health clinic where Victoria had successfully received treatment before.

64. Chris's understanding was that he had to call 911 in order to procure transportation for Victoria to a mental health clinic.

65. At approximately 1:14 a.m. on July 28, 2024, Chris spoke with a 911 dispatcher and informed her that his sister was having a "mental crisis"—which he also described as a "mental breakdown"—and that he wanted services to take her to the mental health clinic where she could receive treatment.

66. Chris also informed the dispatcher that Victoria had been previously diagnosed with mental health conditions.

67. Chris recognized that Victoria needed professional help to cope with her mental health symptoms, but at no point on the night of July 27, 2024, or the morning of July 28, 2024, did he believe Victoria to pose a threat to him, his

mother, or herself. She did not. Nor did Chris ever communicate otherwise to the call-taker or the FLPD.

68. The dispatcher informed him that they would send over an ambulance and an officer. Chris told the dispatcher that “just the ambulance is fine.” He did not want an officer to accompany the ambulance, believing that the presence of police would only make things worse.

69. Nevertheless, despite Chris’s explicit request that police not respond, the dispatcher told Chris, “It’s a mental health, we have to send officers also.”

70. After hanging up, Chris told his mother that he called 911 and the dispatcher would be sending police. Victoria overheard and became agitated when she heard that the police would be responding. She picked up a small, foldable knife used to open packages. Victoria was not threatening Sukri, Chris, or herself with the knife, but merely holding it as a signal of her dissatisfaction that police were on their way.

71. Sukri told Chris to call the dispatcher back and either cancel the request for assistance or, to avoid risk of a violent confrontation with police, explain the circumstances with more context, including that Victoria had a knife, so that the officers would not be surprised when they arrived. Sukri was aware of prior incidents in other jurisdictions where police interactions with individuals

experiencing mental health symptoms turned fatal due to police's improper response. She was afraid the same might transpire if police responded.

72. A few minutes later, Chris called 911 once more. He asked to cancel his prior request, but the dispatcher refused, telling him that was not possible. Chris then told the dispatcher that Victoria had a foldable knife. When the dispatcher asked Chris whether Victoria was trying to cut anyone with the knife or whether she was just holding the knife, he responded that "she [was] just holding the knife."

73. Chris confirmed to the dispatcher that Victoria was not threatening anyone with the knife. In the background of the 911 call, the dispatcher can be heard informing someone else that Victoria was not threatening anyone with the knife. The 911 call log also contains notes from the dispatcher memorializing that Victoria was "not threatening anyone with the knife."

74. According to Fort Lee EMS records, the call was dispatched under the category of "Psychiatric Problems."

Though Victoria was not a threat to herself or her mother or brother, FLPD Defendants unreasonably escalated the encounter, culminating in the unjustified entry into Victoria's apartment, the use of excessive force, and Victoria's death.

75. When Pickens, the first officer on the scene, arrived at Victoria's apartment, Victoria became fearful. In an effort to protect Victoria and assuage her

concerns about the police, Chris stepped outside of the apartment to calmly speak to the police.

76. Pickens understood when he arrived that he was called because someone was experiencing a mental health issue. When Chris stepped outside of the door upon Pickens's arrival, Pickens asked Chris: "Who's dealing with the issue, who has the knife?", "Who's dealing with the mental health crisis?", and "Who's having the nervous breakdown right now?" in rapid succession.

77. Chris had just exited the apartment when Pickens peppered him with these questions and closed the door behind him. After Chris identified to Pickens that his sister was the person experiencing mental health symptoms, Pickens did not ask any follow-up questions about Victoria's condition, symptoms, or whether Chris believed that she was violent, threatening, or suicidal. Instead, Pickens unnecessarily escalated the interaction, asking Chris in an accusatory tone, "who is the problem—your sister or you?" Chris tried to calmly communicate with Pickens to bring down the temperature, but Pickens ignored him. Pickens pushed Chris away from his apartment door.

78. Pickens then opened the unlocked door to the apartment, where he saw Victoria was standing just behind Sukri, who was holding Victoria's loudly barking dog.

79. From Pickens's vantage point, he could see both Victoria and Sukri inside the apartment. Pickens saw that no knife was visible. Pickens saw that neither Victoria nor her mother were injured. Pickens saw that Victoria was neither harming nor threatening to harm her mother or herself. Even if Pickens had been able to see a knife, he would have seen that it was a small, foldable knife used for opening boxes.

80. Pickens saw that Sukri was standing at the threshold of the apartment doorway and had the ability to exit the apartment into the hallway if she felt her daughter was a danger to her. She did not do so, as Sukri did not believe Victoria was a danger to her. Victoria was not.

81. Instead, Sukri, who continued to stand in front of her daughter at the door, told Pickens to "move" and repeated, "don't come in" numerous times.

82. Victoria told Pickens to "step back" and then closed the door, leaving Chris and Pickens outside.

83. Once the door closed, Chris informed Pickens that his mother was putting the dog away.

84. Sukri locked the door from the inside, further indicating that neither she nor Victoria consented to police entering the apartment. From inside the apartment, Sukri tells Chris, "Chris, don't let the police in" and to "stay outside."

85. From inside the apartment, Victoria could be heard yelling that she did not want the police inside—making clear that the police presence was agitating her and exacerbating her mental health symptoms. It was also clear that her mental health disability was interfering with her ability to communicate and comply with orders.

86. About a minute after Pickens arrived at Victoria's apartment, Lee, Cima, Scicutella, Koutroubinis, and John and Jane Doe Officers also arrived in the hallway of Victoria's apartment building. From that point forward, they communicated and worked as a team alongside Pickens. They, too, approached her door. Cima held a ballistics shield.

87. Lee and Cima, as Sergeants, were the highest-ranking officers on the scene and were responsible for directing the other FLPD Defendants' response. Yet at no point after their arrival did Lee and Cima direct the other officers to engage de-escalation procedures in compliance with FLPD policy, or take steps to ensure that they were protecting Victoria.

88. None of the FLPD Defendants who had joined the scene attempted to consult with Chris in the hallway or ask Sukri to come outside to speak to them.

89. Instead, Pickens continued to knock loudly on the door while the other FLPD Defendants were gathering in the hallway. Pickens threatened to break down the door.

90. Victoria was audibly distressed by the severe escalation by the FLPD Defendants—including their shouting and banging on the door. Nevertheless, none of the FLPD Defendants took any action to de-escalate the situation.

91. At that point, Scicutella and Jane Doe Officer directed Chris to step further down the hallway, and away from the apartment door.

92. From inside the door, clearly agitated, Victoria cried out, “Shoot me if you want to,” indicating her fear that the officers would use lethal force against her. Lee replied, “We don’t want to shoot you; we want to help you.”

93. If the officers were sincere about their efforts to help Victoria, they could have consulted with Chris or Sukri about Victoria’s mental health disability, her symptoms, and how best to approach her. They could have also disengaged for a period of time, or called a mental health professional and waited until qualified personnel arrived. But the FLPD Defendants did not employ any of these de-escalation tactics at their disposal. In the end, they did the exact opposite.

94. The officers hurriedly decided that they were going to break down the door and made plans to be ready with a lethal and non-lethal response after the door opened. Cima asked, “Who wants to go less lethal, who wants to go lethal?” Pickens replied right away, “I’ll go lethal.” Scicutella also stated that he would “go lethal.” Lee confirmed that Pickens would “go lethal” and that another officer

would be ready to use non-lethal tactics. Chris was standing a few feet behind the officers during this quick conversation.

95. After deciding to use deadly force, the FLPD Defendants ended their discussion. They did not discuss a plan for what they would do after forcibly entering Victoria's apartment, or how they would diffuse the situation or provide assistance to Victoria.

96. Cima authorized Pickens to break down the door with his body even though someone else was in the process of bringing the proper tools to open the door. The officers acknowledged that normally they would "barricade and wait."

97. Pickens, who volunteered to use lethal force, was chosen to push through the door and be the first officer to confront Victoria—rather than another officer who had chosen to use non-lethal force.

98. After two minutes of his arrival, Pickens forcibly broke down Victoria's door. Just before doing so, Pickens pushed aside Cima, who had been standing in front of the door with a ballistic shield. Pickens then shoved his body against the door until it popped open. Instead of allowing Cima to resume his position and barricade the doorway, Pickens remained in front and pointed his firearm straight ahead.

99. At the time Pickens broke down the door, neither Victoria nor Sukri (the sole individuals inside the apartment) were injured or under threat of being

injured by Victoria. The only threat to Victoria and Sukri were the FLPD Defendants themselves.

100. As the door opened, Victoria stood a few feet behind Sukri. Victoria was holding the small knife in her left hand. Sukri was gripping Victoria's left wrist, blocking Victoria's ability to freely wield the knife. Victoria was, however, not threatening her mother, brother, herself, or the officers with the knife. Instead, Victoria held the knife pointing down at the floor, with her mother holding her wrist firmly.

101. Depending on their vantage points, the officers either could not see that Victoria held the knife, or they would have seen that the knife was small and pointed downward, and that her wrist was constrained by her mother's grip.

102. In her right hand, Victoria held a plastic water jug. Victoria stepped toward the officers with her right hand holding the water jug outstretched towards them and her left hand holding the knife behind her and away from the officers, still in her mother's grip.

103. FLPD Defendants collectively and loudly yelled "drop the weapon" and "drop the knife" but did not give Victoria a chance to do so. Within three seconds of breaking open the door, Pickens shot Victoria point-blank in the chest from just a few feet away.

104. Victoria dropped to the ground. Sukri, having just watched her daughter be shot in front of her eyes, was screaming.

105. Though Chris was being escorted down the hallway by this time and had his back to the apartment, at the time the shot rang out, Chris heard the gunshot loud and clear from where he was standing. He quickly turned around and saw smoke from the gun in the air.

106. At least one Defendant cried out “fuck” repeatedly. And, rather than immediately administer aid as is required by FLPD policy, they immediately sought to restrain Victoria—with another Defendant crying out, “handcuff her, handcuff her.” Victoria, who was fatally wounded and bleeding on the ground, posed absolutely no threat to the officers and there was no reason to handcuff her.

107. FLPD Defendants dragged Victoria from the threshold of her apartment and into the hallway. Victoria screamed out, “Oh my God!” after she was shot.

108. A few moments later, some of the FLPD Defendants administered lackluster medical care, asking Sukri to bring them towels. EMS personnel were not upstairs or otherwise near Victoria’s apartment at the time she was shot. Four of the FLPD Defendants eventually carried Victoria out of the apartment.

Sukri and Chris are not permitted to accompany Victoria to the hospital while Victoria is dying.

109. Instead of allowing Sukri and Chris to accompany Victoria to the hospital, unknown FLPD officers escorted them to the FLPD station. The officers gathered basic information about Sukri and Chris but would not allow them to go to the hospital to see Victoria.

110. Sukri continuously asked for updates on Victoria's condition. The officers did not provide her with any updates.

111. It was only after Sukri pleaded with the officers at the station that she did not want her daughter to die alone that they transported her, along with Chris, to the hospital.

112. Once at the hospital, Sukri was not allowed to see Victoria until several hours later, long after Victoria had been pronounced dead by EMS personnel at 1:57 a.m.

113. Tragically, Victoria died with no family members or loved ones present.

Defendants' actions violated basic and well-recognized principles for interacting with an individual experiencing mental health symptoms.

114. FLPD Defendants understood that Victoria had a mental health disability and was in the midst of a mental health episode. Nevertheless, in violation of New Jersey and FLPD directives, none of the officers employed de-

escalation techniques, including calling and waiting for a clinician from Bergen County's PES Program—or any other mental health professional—for on-site assistance.

115. Although New Jersey directives and FLPD policy instruct that law enforcement should use the assistance of family members when a mental health condition affects a person's response to officers, FLPD Defendants did not do so. Instead, FLPD Defendants pushed Chris away from the door where he would have been able to speak with Victoria. They also failed to ask Chris about why he called 911 or Victoria's behavior—including whether she had threatened anyone with the knife or had ever displayed violent behavior towards others that night or at any other time (she had not).

116. FLPD Defendants further failed to ask Sukri for any information to help them assess the situation, or even ask whether she felt she was in danger. At no point did they ask Sukri to step out of the apartment so they could speak with her or to ask her to convey information or directions to Victoria.

117. FLPD Defendants knew that Victoria was experiencing mental health symptoms and that they should have followed the “emotionally disturbed persons” protocol to either voluntarily or involuntarily commit Victoria and bring her to psychiatric treatment. They violated that directive.

118. Although New Jersey directives and FLPD policies instruct police to use time as a de-escalation tool, including by disengaging for a period of time or slowing down the interaction, FLPD Defendants did the opposite. When Victoria and Sukri called out for the officers to leave, the officers ignored her requests. And rather than disengage for a period of time, or slowing down the interaction—such as by waiting for the tools to open her door—they hurriedly decided to break down her door and use lethal force. The entire interaction lasted only about two minutes before the officers killed Victoria.

119. From inside her apartment, Victoria continued to express that she was disturbed by the police's presence: she told Pickens not to come in numerous times when Pickens first opened the apartment door; once Victoria closed the door, she yelled for the police to go home; and she cried out "shoot me if you want to," indicating she was worried the police would use violence. Pickens, Lee, Cima, Scicutella, Koutroubinis, and John and Jane Doe Officers thus knew from Victoria's reactions that their presence was agitating her and exacerbating her symptoms.

120. While New Jersey directives and FLPD policies instruct officers to use strategies to lessen the frustration of a person experiencing mental health symptoms, including by reducing or eliminating sensory distractions, Pickens continued to yell commands at Victoria, jiggle on the door handle, and loudly and

repeatedly bang on Victoria's door, eventually slamming his body onto it to force it open.

121. New Jersey directives require that officers give a chance for an individual to comply with their commands, and, when dealing with an individual experiencing mental health symptoms, to rely on family to understand why that individual may not be able to comply with an officer's demands. FLPD Defendants did neither. As Pickens was increasingly disturbing Victoria, FLPD Defendants did not give her an opportunity to calm down and respond to his commands. And FLPD Defendants did not ask Chris or Sukri why Victoria may not be able to comply with their demands given her mental health symptoms.

122. De-escalation procedures require avoidance of a direct confrontation wherever possible. In violation of this policy, and despite knowing that Victoria was not harming anyone, FLPD Defendants pursued a direct confrontation, using SWAT-like tactics and unreasonably treating the situation like a dangerous standoff that could only be resolved through the use of force.

123. FLPD Defendants' intent to use direct confrontation and excessive force was made clear by their arrival in tactical gear, including shields, guns, and tasers—which they used against her without assessing whether she actually posed a threat. A loud buzzing noise sounded from the hallway, indicating that the officers had readied a taser for deployment as well.

124. The FLPD officers also violated the use of force principle that requires that force be used as a last resort. After about two minutes, the officers had made a decision to use force—including deadly force—without exhausting any other solutions or approaches first. Force was not a last resort; it was the only option they considered.

125. In further violation of use of force principles, the officers did not discuss any strategy or plan for what they would do once they broke down the door. They had no plan as to how they would evaluate which type of force to deploy against Victoria, if any.

126. Each of the FLPD Defendants—Lee, Cima, Scicutella, Koutroubinis, and John and Jane Doe Officers—violated the New Jersey and FLPD protocol to prevent a fellow officer from using illegal or excessive force. Each of these defendants abdicated this affirmative duty: Lee and Cima endorsed Pickens’s efforts to break down the door using brute force and without the proper tools as long as Pickens was “comfortable” doing so. Cima and Lee also endorsed Pickens’s use of deadly force. Cima prepared a barricade shield. Scicutella also readied himself to use deadly force.

127. The FLPD Defendants took no action to determine whether that use of force was necessary. Contrary to protocol, they did not actually assess whether circumstances had changed since Chris’ 911 call, including whether Victoria still

had access to the knife—an especially grave misstep given that no knife appeared to be visible in Victoria’s hand when Pickens first opened the door. They also took no steps to assess whether Chris or Sukri felt that they or Victoria were in danger.

128. And all of the information they *did* have pointed to the fact that there was no danger that Victoria would harm herself or anyone else. Chris told the 911 dispatcher that Victoria was not threatening anyone; and when Pickens first arrived and opened the apartment door, he could see Victoria standing slightly behind her mother and that no one was in physical danger. Victoria was not suspected of any crime at the time Pickens broke down her door. And there was no meaningful change in her behavior from the time of Pickens’s arrival to the time of his forced entry to create such a suspicion.

129. In violation of FLPD’s core principle to preserve and protect human life, the officers made the deliberate choice to wield deadly force despite having barricaded with a ballistic shield and knowing that if Victoria possessed any weapon at that point, it was—at most—a knife.

130. Pickens and Lee, Cima, Scicutella, Koutroubinis, and John and Jane Doe Officers violated the requirement that they should consider the degree to which an individual has been effectively restrained. When Pickens broke down Victoria’s door, Victoria was restrained by Sukri. Victoria could not have endangered anyone at that point, even if she tried. The officers killed her anyway.

131. In direct violation of foundational de-escalation and use of force practices, without a warrant, and lacking consent, Pickens and the other officers exponentially escalated the encounter and took Victoria’s life.

132. If FLPD Defendants had followed New Jersey and FLPD use of force requirements and policies, or reasonably accommodated Victoria by following well-established de-escalation procedures, or called and waited for a trained mental health professional, Victoria would be alive today.

Defendant Fort Lee discriminated against Victoria because of her mental health disability.

133. Federal guidance on ADA compliance during emergency responses involving individuals experiencing mental health crises placed Defendant Fort Lee on notice that sending armed law enforcement officers to respond to a mental health episode was unlikely to result in Victoria receiving the same benefit of an emergency and dispatch response as a person experiencing a physical medical emergency. This response, therefore, constituted discrimination on the basis of Victoria’s disability.

134. Federal guidance issued by the Department of Justice and Department of Health and Human Services in place by May 2023—before Victoria’s killing—made clear that “[e]qual opportunity requires that people with behavioral health disabilities receive a health response in circumstances where others would receive

a health response.”¹⁸ It goes on to explain that to avoid discriminating against those with mental or behavioral health disability, “[g]overnment entities should provide behavioral health crisis response services in parity with the services provided to those experiencing medical emergencies.”¹⁹ Updated federal guidance in January 2025 also recommends that “[a]s with public safety and emergency physical health situations, behavioral health emergency response capability should be present to help ensure access to services for all and parity.”²⁰

135. In particular, the guidance instructs that an individual experiencing a mental health emergency should have an equal opportunity to receive the benefit of a health service as those experiencing a medical or physical health emergency. Thus, if call centers would dispatch a physical health response (such as EMS or a medic) rather than law enforcement to respond to a person experiencing a physical medical emergency, equal opportunity would entail dispatching an appropriate mental health response in similar circumstances involving a person with a mental health emergency.

136. The guidance also instructs that “law enforcement and dispatch should divert calls to behavioral health responders when they encounter someone

¹⁸ Guidance for Emergency Responses, *supra* note 1.

¹⁹ *Id.*

²⁰ See SAMHSA, National Guidelines for a Behavioral Health Coordinated System of Crisis Care 5, *supra* n.12.

demonstrating a need for behavioral health support who is not an immediate threat.”²¹ It makes clear that call centers that dispatch emergency responses can make reasonable modifications to their usual practices to afford equal opportunity to people with behavioral health disabilities by “sending a mobile crisis team or other responder rather than law enforcement in appropriate circumstances when a call involves a person with a behavioral health disability and there is no need for a law enforcement response” or, alternatively, when a law enforcement response is called for, “dispatching a co-responder team that includes a police officer and a mental health specialist.”²²

137. Federal guidelines also put Defendant Fort Lee on notice of the grave risks in dispatching law enforcement, instead of mental health professionals, as primary responders to mental health crises. For example, the Substance Abuse and Mental Health Services Administration guidelines in place at the time of Victoria’s shooting warned that it is “unacceptable and unsafe” when “local law enforcement [is] the *de facto* mental health mobile crisis system.”²³ The guidelines indicate that this practice is inappropriate because armed police presence alone has a propensity to escalate individuals in crisis.

²¹ Guidance for Emergency Responses, *supra* note 1.

²² *Id.*

²³ See SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION (SAMSHA), *National Guidelines for Behavioral Health Crisis Care: Best Practice Toolkit* 33 (Feb. 2020).

138. In its June 2023 findings regarding an investigation into Minneapolis and its police department, the United States Department of Justice similarly emphasized that “a law enforcement-led response can cause real harm in the form of trauma, injury, and death to people experiencing behavioral health issues, as well as other impacts.”²⁴ The DOJ found that such harms may be avoided or otherwise mitigated by sending behavioral health responders instead of or with law enforcement. The DOJ also reached parallel conclusions in its March 2023 findings regarding an into the Louisville Metro Police Department.²⁵

139. Both the Minneapolis and Louisville investigations concluded that the municipalities violated the ADA by relying on police officers as the primary first responders to mental health emergencies.

140. Nevertheless, on July 28, 2024, when Victoria’s brother called seeking mental health assistance for Victoria, Defendant Fort Lee’s emergency services and dispatch program failed to dispatch a mental health response. Instead, Defendant Fort Lee dispatched armed officers to the scene. This resulted in a purely law enforcement response to Victoria’s mental health emergency, which ultimately killed Victoria—the person in need.

²⁴ U.S. DEP’T OF JUST., *Investigation of the City of Minneapolis and the Minneapolis Police Department* (June 2023).

²⁵ U.S. DEP’T OF JUST., *Investigation of the Louisville Metro Police Department and Louisville Metro Government* (Mar. 2023).

141. According to Defendant Fort Lee’s emergency dispatch policy in place at the time of Victoria’s death, when the Borough receives medical emergency calls (e.g., a call for assistance for a physical emergency, like a heart attack), it dispatches an ambulance and personnel—such as paramedics and EMTs—trained to assess, stabilize, and treat that health issue at the point of contact, and no police officers. But when Defendant Fort Lee receives a call regarding mental health or to assist an “emotionally disturbed person,” its policy requires that it dispatch police *only*: two officers for a non-violent call; and three if violent. By having a policy which mandates the automatic dispatch of police in response to any 911 call for mental health assistance, Defendant Fort Lee discriminates in their emergency services and dispatch program against individuals with mental health disabilities.

142. Additionally, when Victoria’s family requested assistance for her mental health episode by requesting that she be transported to a mental health clinic, Defendant Fort Lee failed to reasonably accommodate her mental health disability. It failed to dispatch personnel trained to assess, stabilize, and treat Victoria’s mental health issues. In doing so, Defendant Fort Lee violated federal antidiscrimination law, including the ADA.

143. Similarly, Defendant Fort Lee discriminated against Victoria when FLPD Defendants failed to reasonably modify their approach to their interactions with her in light of her known mental health disability.

144. Federal law requires municipalities to make reasonable modifications to their law enforcement services when necessary to avoid discrimination on the basis of a mental health disability. For example, in the DOJ's June 2024 findings regarding an investigation into the City of Phoenix and its police department, the Justice Department concluded that the City of Phoenix had engaged in discrimination in violation of the ADA.²⁶ In reaching this conclusion, the Justice Department found that officers responding to behavioral health calls "seldom [made] reasonable modifications to their approach when appropriate" and instead "often use[d] force that could be avoided." The Justice Department also cited examples of officers failing to employ reasonable modifications such as engaging in effective de-escalation techniques or calling in mental health providers, including mobile crisis teams. It cautioned that "[t]he duty to avoid 'confrontational tactics' and accommodate a person in crisis is not diminished when that person fails to immediately follow commands, reacts poorly to an officer's arrival, or behaves unexpectedly."²⁷

²⁶ U.S. DEP'T OF JUST., *Investigation of the City of Phoenix and the Phoenix Police Department* (June 2024).

²⁷ *Id.*

145. The Justice Department reached similar conclusions in its March 2023 findings regarding the Louisville Metro Police Department.²⁸ The Justice Department found that the police department had violated the ADA by “subject[ing] many individuals to an unnecessary or overly aggressive [police] response during a behavioral health episode.” The investigation cited officers’ failure to engage in de-escalation techniques, including “fail[ing] to give people experiencing crisis time or space” and “not engag[ing] in verbal de-escalation for enough time to be successful” as examples of discriminatory practices. The findings also warned of the “increased safety risks to . . . the person in crisis and increased . . . likelihood of the use of force” when officers engage in tactics which escalate, rather than de-escalate, an interaction.²⁹

146. The FLPD officers who interacted with Victoria on July 28, 2024, understood that Victoria had a mental health disability, that she was in the midst of a mental health episode, and that the police-led interaction was ineffective and increasing Victoria’s distress. Nevertheless, FLPD Defendants failed to make reasonable modifications when they neglected to use any de-escalation techniques, which could have included but were not limited to, using the passage of time, physical barriers, and distance to avoid a direct confrontation with Victoria;

²⁸ *Investigation of the Louisville Metro Police Department*, *supra* note 14.

²⁹ *Id.*

disengaging and waiting for Victoria to calm down before attempting to re-engage; availing the assistance of family members; communicating with Victoria in a calm tone and providing her a chance to comply with their commands before using force; and choosing to tactically retreat.

147. Further, no FLPD Defendant called the designated hotline run by Bergen County's PES Program, sought on-site assistance from a certified mental health screener, or contacted *any* mental health professional, crisis negotiator, or social worker to assist once they realized their attempts at communication with Victoria were unsuccessful. Nor did they seek to transport Victoria, whether voluntarily or involuntarily, to a hospital for psychiatric treatment pursuant to FLPD policy. In neglecting to do so, Fort Lee discriminated against Victoria by failing to provide her with a reasonable modification to their police and emergency-response services.

148. FLPD policies, New Jersey state directives, and federal guidance require the use of de-escalation techniques during law enforcement interactions with individuals experiencing mental health symptoms. Defendants plainly violated these directives. They failed to reasonably accommodate Victoria—first, by Defendant Fort Lee deploying a heavily armed team of police to the scene instead of a mental health professional; and second, by FLPD Defendants unnecessarily escalating the encounter with Victoria and using lethal force. The

risks that these escalations could lead to use of excessive force and injury to Victoria were obvious to both Defendant Fort Lee and FLPD Defendants.

PLAINTIFFS' DAMAGES

149. FLPD Defendants' unlawful, intentional, deliberately indifferent, reckless, and/or negligent acts and omissions caused Victoria's death.

150. Victoria was in need of mental health services. Instead, she received a law enforcement-only response—and it ultimately killed her. FLPD Defendants acted contrary to FLPD policies, state directives, federal guidance, and widely accepted de-escalation principles, which resulted in agitating Victoria and filling her final moments with fear and intense emotional and physical pain. Although the FLPD Defendants knew or should have known that Victoria had mental health disabilities, they failed to make reasonable modifications in their interactions with her which would have saved her life.

151. Pickens fatally shot Victoria with the endorsement of the other FLPD Defendants, and Victoria suffered excruciating pain as a result of FLPD Defendants' actions. Victoria spent her final moments suffering alone and died later that morning without her loved ones with her.

152. At the time she was killed, Victoria was only twenty-five years old. Victoria enjoyed making music and being with her friends. She was part of a close-knit family, and lived with her older brother, Chris.

153. Although Victoria had dealt with mental health episodes and symptoms related to her disability over the past decade, she had always recovered from them following appropriate treatment. Victoria did not die because of her mental health disabilities, but rather because of the unlawful and unconstitutional actions of Defendants. By unjustifiably causing Victoria's death, Defendants deprived Victoria of her entire future, including time with her loving family. Defendants deprived Victoria of the opportunity to potentially get married one day and have children. They also deprived her of a potential career in music.

154. **Damages to the Estate of Victoria Lee:** Damages to the Estate of Victoria Lee, include, without limitation, Victoria's pre-death physical pain and suffering; emotional distress, mental anguish, shock, fright, humiliation and apprehension of impending death; loss of life and loss of enjoyment of life; lost wages and future earnings; reasonable funeral and burial expenses; deprivation of civil rights; and other compensatory and punitive damages as may be proven at trial.

155. **Damages to Sukri Lee:** Defendants deprived Sukri Lee of many decades of a relationship with her daughter, to whom she was particularly close. By shooting Victoria while Sukri Lee held onto her wrist, Defendants forced Sukri to witness her only daughter suffer excruciating pain right in front of her eyes. Damages for Sukri Lee include, without limitation, emotional pain and suffering,

emotional distress, anguish, loss of companionship, and economic losses and damages.

156. **Damages to Chris Lee:** Defendants also deprived Chris Lee of many decades of a relationship with his sister, with whom he lived and shared a close relationship. Defendants forced Chris to witness the extreme suffering of his only sister. Chris was unable to sleep properly or keep up in his usual life activities after the incident. Damages for Chris Lee include, without limitation, emotional pain and suffering, emotional distress, anguish, loss of companionship, and economic losses and damages.

CLAIMS

COUNT 1

Excessive Force Under 42 U.S.C. § 1983 and the Fourth Amendment (Against Defendant Pickens)

157. Plaintiff Kyungyong Lee brings this claim as administrator of the Estate of Victoria Lee and hereby incorporates by reference the allegations set forth in the foregoing paragraphs as if fully set forth herein.

158. On July 28, 2024, Pickens deprived Victoria of her clearly established constitutional rights under the Fourth Amendment of the United States Constitution to be free from the use of excessive force.

159. Pickens failed to engage in any de-escalation measures. Instead, he unreasonably escalated the situation, fatally shooting Victoria in the chest while

she was in the midst of a mental health episode and despite knowing that she had not posed a threat to anyone. This gratuitous use of excessive and deadly force was not reasonable and was vastly out of proportion to any danger Victoria—constrained by her mother—could have posed.

160. Pickens performed the above-described acts under color of state law, within the scope of his employment as an FLPD officer and employee, and with deliberate indifference to Victoria’s clearly established constitutional rights.

161. No reasonable officer in 2024 would have believed this conduct was lawful.

162. As a direct and proximate result of Pickens’s actions, Victoria sustained the damages and injuries set forth above.

COUNT 2

Warrantless Entry Under 42 U.S.C. § 1983 and the Fourth Amendment (Against Defendants Pickens, Lee, Cima, Scicutella, Koutroubinis, and John and Jane Doe Officers)

163. Plaintiff Kyungyong Lee brings this claim as administrator of the Estate of Victoria Lee and hereby incorporates by reference the allegations set forth in the foregoing paragraphs as if fully set forth herein.

164. On July 28, 2024, Pickens, Lee, Cima, Scicutella, Koutroubinis, and John and Jane Doe Officers, acting individually and in concert, deprived Victoria of her clearly established constitutional right, under the Fourth Amendment of the

United States Constitution, to be secure in her home and free from warrantless entry.

165. FLPD Defendants forcibly entered Victoria's apartment without a warrant and absent an applicable exception to the warrant requirement, including consent or exigent circumstances.

166. It was clear that there was no emergency and that no exigent circumstances justified FLPD Defendants' warrantless entry. Victoria was not suspected of any crime, was not physically injured, and did not pose a threat to herself, her family members, or anyone else. To the contrary, Chris had told the 911 dispatcher that Victoria was not threatening anyone, and when the officers arrived, no one in the Lee family was in any danger.

167. FLPD Defendants lacked an objectively reasonable basis for believing that any person was seriously injured or imminently threatened with such injury, or that that entry was needed to prevent or deal with serious harm.

168. Given these facts, no reasonable officer in 2024 would have believed this conduct was lawful under the Fourth Amendment.

169. FLPD Defendants performed the above-described acts under color of state law, within the scope of their employment as FLPD officers and employees, and with deliberate indifference to Victoria's clearly established constitutional rights.

170. As a direct and proximate result of FLPD Defendants' actions, Victoria suffered a violation of her constitutional rights and sustained the damages and injuries set forth above.

COUNT 3
Civil Conspiracy Under 42 U.S.C. § 1983
(Against Defendants Pickens, Lee, Cima, Scicutella, Koutroubinis, and John and Jane Doe Officers)

171. Plaintiff Kyungyong Lee brings this claim as administrator of the Estate of Victoria Lee and hereby incorporates by reference the allegations set forth in the foregoing paragraphs as if fully set forth herein.

172. Pickens, Lee, Cima, Scicutella, Koutroubinis, and John and Jane Doe Officers agreed among themselves to act in concert to deprive Victoria of her clearly established constitutional rights as protected by the Fourth Amendment, including her right to be free from warrantless entry and/or excessive force.

173. As described in detail above, these individual FLPD Defendants, acting in concert, engaged in and facilitated numerous overt acts in furtherance of this conspiracy, including without limitation by unreasonably responding as a SWAT-like team, failing to engage in de-escalation techniques, failing to engage with Victoria's mother and brother, and by communicating and working together as a team at the scene, culminating in the warrantless entry into Victoria's apartment and the use of excessive force.

COUNT 4
Discrimination Based on Disability in Violation of
Title II of the Americans with Disabilities Act, 42 U.S.C. § 12131, *et seq.*
(Against Defendant Fort Lee)

174. Plaintiff Kyungyong Lee brings this claim as administrator of the Estate of Victoria Lee and incorporates by reference the allegations set forth in the foregoing paragraphs as if fully set forth herein.

175. Title II of the ADA guarantees qualified individuals with disabilities an equal opportunity to access the services, programs, or activities of a public entity.

176. Victoria Lee was a qualified individual with a disability protected by Title II of the ADA.

177. Defendant Fort Lee is a local government, and therefore, a “public entity” as defined by Title II of the ADA. It operates the FLPD and is responsible for the discriminatory actions of FLPD officers.

178. Police work performed by the FLPD is a public program, service and/or activity within the meaning of Title II of the ADA.

179. Defendant Fort Lee also operates the emergency dispatch service and is responsible for the discriminatory actions of this program.

180. Defendant Fort Lee’s emergency services and dispatch program is a program, service and/or activity within the meaning of Title II of the ADA.

181. The ADA, as authoritatively construed by its implementing regulations, provides that public entities may not provide aids, benefits, or services in such a way that qualified individuals are denied opportunities to participate or benefit, 28 C.F.R. § 35.130(b)(1); may not rely on “methods of administration that . . . defeat[] or substantially impair[] accomplishment” of the program’s objectives, 28 C.F.R. § 35.130(b)(3); and may not “provide aids, benefits, or services in such a way that qualified individuals are not afforded “equal opportunity to obtain the same result . . . as that provided to others,” or are “otherwise limit[ed] . . . in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving the aid, benefit, or service,” 28 C.F.R. § 35.130(b)(1).

182. When Victoria’s family called 911 seeking mental health assistance for Victoria, Defendant Fort Lee’s emergency service and dispatch program failed to dispatch a mental health response. Instead, it dispatched law enforcement to lead the response. The individuals dispatched were not mental health responders and were not able to provide an appropriate health response to Victoria. By contrast, when responding to calls relating to physical health assistance, Defendant Fort Lee’s emergency service and dispatch program does not invoke a police-led response. Instead, they dispatch medical responders who are able to provide an appropriate health response.

183. Defendant Fort Lee is aware of appropriate, non-police responses available to respond to mental health emergencies.

184. Defendant Fort Lee discriminated against Victoria by denying her an equal opportunity to obtain the same result provided to others who avail the same dispatch emergency response service but do not have a mental health disability.

185. Discrimination under Title II of the ADA also includes failure to make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of a disability.

186. Defendant Fort Lee first failed to reasonably modify their approach with respect to Victoria in the dispatch of emergency service at the time when Fort Lee knew or should have known Victoria had a mental health disability and was in the midst of a mental health episode.

187. Reasonable modifications under the circumstances would have included dispatching the mobile outreach/mobile crisis unit, a mental health professional, a crisis negotiator, or social worker—either independent or alongside of police—in response to calls from Victoria’s family for assistance. Reasonable modifications under the circumstances would have also included abiding by Victoria’s family’s request not to send the police at all.

188. Defendant Fort Lee also failed to reasonably modify its approach in FLPD Defendant Officers’ interactions with Victoria once they arrived at her

apartment. Reasonable modifications under the circumstances would have included the use of de-escalation techniques, including, but not limited to avoiding direct confrontation with Victoria using the passage of time and physical barriers and distance to avoid a confrontation; disengaging and waiting for Victoria to calm down before attempting to re-engage; availing the assistance of family members to gather information and communicate with Victoria; and/or choosing to tactically retreat. Reasonable modifications would have also included, without limitation, following FLPD and New Jersey policies and directives regarding use of force and police interactions with individuals with experiencing mental health symptoms and/or calling and waiting for a mental health professional, crisis negotiator, mobile crises unit, or social worker to arrive on the scene once the officers realized their attempts at communication with Victoria were unsuccessful.

189. Defendant Fort Lee's failure to provide Victoria with reasonable modifications violated Title II of the ADA.

190. Under the ADA, a public entity must also "take appropriate steps to ensure that communications with . . . members of the public. . . with disabilities are as effective as communications with others." 28 C.F.R. § 35.160(a)(1)

191. Defendant Fort Lee did not take appropriate steps to ensure that FLPD Defendants' communications with Victoria were equally effective as

communications with other members of the public without a mental health disability.

192. Defendant Fort Lee's violations of Title II of the ADA were taken with deliberate indifference to the likelihood that pursuit of its actions and inactions would likely result in a violation of Victoria's federally protected rights.

193. Defendant Fort Lee's violations of Title II of the ADA proximately caused Victoria's pain and suffering and also Victoria's death.

194. Accordingly, Plaintiff Kyungyong Lee is entitled to damages.

COUNT 5
Discrimination Based on Disability in Violation of
Section 504 of the Rehabilitation Act, 29 U.S.C. § 794
(Against Defendant Fort Lee)

195. Plaintiff Kyungyong Lee brings this claim as administrator of the Estate of Victoria Lee and hereby incorporates by reference the allegations set forth in the foregoing paragraphs as if fully set forth herein.

196. Section 504 of the Rehabilitation Act of 1973 ("Section 504") prohibits discrimination against people with disabilities by any program or activity receiving federal financial assistance. Under Section 504, otherwise qualified individuals with disabilities may not be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any such program.

197. Victoria was a qualified individual with a disability protected by Section 504 of the Rehabilitation Act.

198. Defendant Fort Lee receives federal financial assistance within the meaning of Section 504.

199. Defendant Fort Lee operates the FLPD and is responsible for the discriminatory actions of its employees, including FLPD officers.

200. Police work involving the public is a program or activity within the meaning of Section 504.

201. Defendant Fort Lee also operates an emergency response and dispatch program and is responsible for the discriminatory actions of this program. Defendant Fort Lee's emergency response and dispatch program is a program or activity within the meaning of Section 504.

202. Discrimination under Section 504 includes failing to "[a]fford a qualified handicapped person an opportunity to participate in or benefit from the aid, benefit, or service that is not equal to that afforded to others," or provide a qualified handicapped persons with "an aid, benefit, or service that is not as effective as that provided to others." 28 CFR § 41.51 (b)(1)(ii), (iii).

203. When Victoria's family called 911 seeking emergency mental health assistance from Defendant Fort Lee's emergency service and dispatch program, it failed to dispatch a mental health response. Instead, it dispatched law enforcement to lead the response. The individuals dispatched were not mental health responders and were not able to provide an appropriate health response to Victoria. By

contrast, when responding to calls relating to physical health assistance, Defendant Fort Lee's emergency service and dispatch service does not require a police-led response. Instead, it dispatches medical responders who are able to provide an appropriate health response.

204. Defendant Fort Lee has appropriate, non-police responses available to respond to mental health emergencies.

205. Defendant Fort Lee discriminated against Victoria by denying her an equal opportunity to obtain the same result provided to others who avail the same emergency services and dispatch response but do not have a mental health disability.

206. Discrimination under Section 504 also includes failure to make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability.

207. Defendant Fort Lee first failed to reasonably modify its approach with respect to Victoria in the dispatch of emergency services when it knew or should have known that Victoria had a mental health disability and was in the midst of a mental health episode.

208. Reasonable modifications under the circumstances would have included dispatching the mobile outreach/mobile crisis unit, a mental health professional, a crisis negotiator, or social worker—either independent or alongside

of police—in response to calls from Victoria’s family for assistance. Reasonable modifications under the circumstances would have also included abiding by Victoria’s family’s request not to send the police at all.

209. Defendant Fort Lee’s also failed to reasonably modify its approach in FLPD’s interactions with Victoria once they arrived at her apartment. Reasonable modifications under the circumstances would have included the use of de-escalation techniques, including, but not limited to avoiding direct confrontation with Victoria using passage of time, physical barriers and distance to avoid a confrontation; disengaging and waiting for Victoria to calm down before attempting to re-engage; availing the assistance of family members to gather information and communicate with Victoria; and/or choosing to tactically retreat. Reasonable modifications would have also included, without limitation, following FLPD and New Jersey policies and directives regarding use of force and police interactions with individuals experiencing mental health symptoms and/or calling and waiting for a mental health professional, crisis negotiator, mobile crises unit, or social worker to arrive on the scene once the officers realized their attempts at communication with Victoria were unsuccessful.

210. Defendant Fort Lee’s failure to provide Victoria with reasonable modifications violated Section 504.

211. Defendant Fort Lee's violations of Section 504 were taken with deliberate indifference to the likelihood that pursuit of its actions and inactions would likely result in a violation of federally protected rights.

212. Defendant Fort Lee's violations of Section 504 proximately caused Victoria to sustain severe, conscious pain and suffering and also caused Victoria's death.

213. Accordingly, Plaintiff Kyungyong Lee is entitled to damages.

COUNT 6
Excessive Force
Under the New Jersey Civil Rights Act, N.J.S.A. 10: 6-1 *et seq.* ("NJCRA"),
the Fourth Amendment of the United States Constitution, and the New Jersey
Constitution
(Against Defendant Pickens)

214. Plaintiff Kyungyong Lee brings this claim as administrator of the Estate of Victoria Lee and hereby incorporates by reference the allegations set forth in the foregoing paragraphs as if fully set forth herein.

215. On July 28, 2024, Pickens deprived Victoria of her clearly established constitutional rights under the Fourth Amendment of the United States Constitution to be free from the use of excessive force and her rights under the New Jersey Constitution, which is actionable under the NJCRA.

216. Pickens failed to engage in any de-escalation measures and instead unreasonably escalated the situation. By shooting Victoria while she was in the midst of a mental health episode, while she was not known to be a threat to the

safety of herself or her mother or brother, and while she was not suspected of any crime, Pickens acted unreasonably and in violation of Victoria's constitutional rights under the United States and New Jersey Constitutions.

217. From the hallway just a few feet outside Victoria's apartment, Pickens shot Victoria in the chest, killing her. This gratuitous use of excessive and deadly force was vastly out of proportion to any danger Victoria could have posed.

218. Pickens performed the above-described acts under color of state law, within the scope of his employment as an FLPD officer and employee, and with deliberate indifference to Victoria's clearly established rights.

219. No reasonable officer in 2024 would have believed this conduct was lawful.

220. As a direct and proximate result of Pickens's actions, Victoria sustained the damages and injuries set forth above.

221. Accordingly, Plaintiff Kyungyong Lee is entitled to damages.

COUNT 7
Warrantless Entry
Under the NJCRA and the New Jersey Constitution
(Against Defendants Pickens, Lee, Cima, Scicutella, Koutroubinis, and John
and Jane Doe Officers)

222. Plaintiff Kyungyong Lee brings this claim as administrator of the Estate of Victoria Lee and hereby incorporates by reference the allegations set forth in the foregoing paragraphs as if fully set forth herein.

223. On July 28, 2024, Pickens, Lee, Cima, Scicutella, Koutroubinis, and John and Jane Doe Officers deprived Victoria of her clearly established rights under the Fourth Amendment of the United States Constitution, to be secure in her home and free from warrantless entry, as well as her rights under the New Jersey Constitution, which is actionable under the NJCRA.

224. FLPD Defendants deprived Victoria of her right to be secure in her home and free from warrantless entry by breaking down the door to her apartment and without a warrant and absent an applicable exception to the warrant requirement, including consent or exigent circumstances authorizing these actions.

225. FLPD Defendants performed the above-described acts under color of state law, within the scope of their employment as FLPD officers and employees, and with deliberate indifference to Victoria's clearly established constitutional rights under the United States and New Jersey constitutions.

226. No reasonable officer in 2024 would have believed this conduct was lawful.

227. As a direct and proximate result of FLPD Defendants' actions, Victoria sustained the damages and injuries set forth above.

228. Accordingly, Plaintiff Kyungyong Lee is entitled to damages.

COUNT 8
Assault
Brought Pursuant to N.J.S.A. 2A:15-3
(Against Defendants Pickens, Lee, Cima, John or Jane Doe Officer, and Fort Lee)

229. Plaintiff Kyungyong Lee brings this claim as administrator of the Estate of Victoria Lee and hereby incorporates by reference the allegations set forth in the foregoing paragraphs as if fully set forth herein.

230. This Count is brought pursuant to the New Jersey Survivor Act, which preserves any personal cause of action to a decedent's estate that the decedent would have had if she had survived, and permits the personal representative of the estate to "recover their damages as their testator or intestate would have had if he was living." N.J.S.A. 2A:15-3

231. Pursuant to the Survivor Act, Plaintiff Kyungyong Lee asserts the claim of assault committed by Pickens, Lee, Cima, and John and Jane Doe Officers prior to Victoria's death.

232. Pickens shot Victoria. John and Jane Doe Officers drew (but did not deploy) a taser upon Victoria. Lee and Cima authorized such actions.

233. As a result of Pickens, Lee, Cima, and John and Jane Doe Officers' conduct, Victoria was placed in apprehension of imminent harmful and offensive bodily contact, and suffered physical pain and mental anguish, shock, fright, apprehension, embarrassment, and humiliation.

234. Pickens, Lee, Cima, and John and Jane Doe Officers were on duty and acting within the scope of their employment when they engaged in the wrongful conduct described herein.

235. Accordingly, Plaintiff Kyungyong Lee is entitled to damages.

236. Defendant Fort Lee, as employer of Pickens, Lee, Cima, and John and Jane Doe Officers, is responsible for their acts under the doctrine of *respondeat superior*.

COUNT 9
Battery
Brought Pursuant to N.J.S.A. 2A:15-3
(Against Defendants Pickens and Fort Lee)

237. Plaintiff Kyungyong Lee brings this claim as administrator of the Estate of Victoria Lee and hereby incorporates by reference the allegations set forth in the foregoing paragraphs as if fully set forth herein.

238. This Count is brought pursuant to the New Jersey Survivor Act, which preserves any personal cause of action to a decedent's estate that the decedent would have had if she had survived, and permits the personal representative of the estate to "recover their damages as their testator or intestate would have had if he was living." N.J.S.A. 2A:15-3

239. Pursuant to the Survivor Act, Plaintiff Kyungyong Lee asserts the claim of battery committed by Pickens prior to Victoria's death.

240. Pickens intentionally shot Victoria. Pickens made harmful and offensive contact with Victoria without privilege or consent.

241. As a result of Pickens's conduct, Victoria suffered physical pain, mental anguish, shock, fright, apprehension, embarrassment, and humiliation.

242. Pickens's conduct was intentional, willful, wanton, malicious, and/or accompanied by a reckless and conscious disregard of Victoria's rights and safety.

243. Pickens was on duty and acting within the scope of their employment when he engaged in wrongful conduct described herein.

244. Accordingly, Plaintiff Kyungyong Lee is entitled to damages.

245. Defendant Fort Lee, as employer of Pickens, is responsible for his acts under the doctrine of *respondeat superior*.

COUNT 10
Negligent Training and Supervision
(Against Defendant Fort Lee)

246. Plaintiff Kyungyong Lee brings this claim as administrator of the Estate of Victoria Lee and hereby incorporates by reference the allegations set forth in the foregoing paragraphs as if fully set forth herein.

247. Defendant Fort Lee owed a duty of reasonable care to train, supervise, and discipline its police officers in matters including, without limitation, response to mental health incidents and emergencies, use of force, use of de-escalation

practices, and compliance with directives of the New Jersey Attorney General's Office and with FLPD's own written policies.

248. As evidenced by the failure to comply with New Jersey Attorney General's Office directives and FLPD policies, Defendant Fort Lee failed to exercise reasonable care in the training and supervision of the FLPD Defendants, resulting in the unjustified and warrantless entry of Victoria's apartment, the FLPD's use of excessive force and Victoria's killing.

249. Defendant Fort Lee knew, or should have known, that its officers would be called upon to respond to mental health incidents and emergencies and that inadequate and negligent training and supervision in this area created an unreasonable risk of injury or death to members of the public, including Victoria.

250. Accordingly, Plaintiff Kyungyong Lee is entitled to damages.

COUNT 11
Negligence
(Against Defendants Pickens, Lee, Cima, Scicutella, Koutroubinis, John and Jane Doe Officers and Fort Lee)

251. Plaintiff Kyungyong Lee brings this claim as administrator of the Estate of Victoria Lee and hereby incorporates by reference the allegations set forth in the foregoing paragraphs as if fully set forth herein.

252. This Count is brought pursuant to the New Jersey Survivor Act, which preserves any personal cause of action to a decedent's estate that the decedent would have had if she had survived, and permits the personal representative of the

estate to “recover their damages as their testator or intestate would have had if he was living.” N.J.S.A. 2A:15-3

253. Pickens, Lee, Cima, Scicutella, Koutroubinis, and John and Jane Doe Officers owed Victoria a duty of reasonable care in the conduct of their official duties, including in their response to the 911 call concerning Victoria’s mental health episode.

254. Victoria’s injuries and death were caused by the carelessness, recklessness, and gross negligence of Defendant Fort Lee and FLPD Defendants, who were on duty and acting within the scope of their employment when they engaged in wrongful conduct described herein.

255. Accordingly, Plaintiff Kyungyong Lee is entitled to damages.

256. Defendant Fort Lee, as employer of the FLPD Defendants, is responsible for their acts under the doctrine of *respondeat superior*.

COUNT 12
Wrongful Death
(Against Defendants Pickens, Lee, Cima and Fort Lee)

257. Plaintiff Kyungyong Lee brings this claim as administrator of the Estate of Victoria Lee and hereby incorporates by reference the allegations set forth in the foregoing paragraphs as if fully set forth herein.

258. Pickens, Lee and Cima committed wrongful and tortious acts against Victoria as alleged above.

259. These wrongful and tortious acts caused Victoria's death in violation of the New Jersey Wrongful Death Act. N.J.S.A. 2A:31-1.

260. Victoria suffered severe conscious pain and suffering immediately prior to her death, which was caused by Pickens, Lee and Cima's unconstitutional and otherwise unlawful acts and omissions.

261. Victoria is survived by her statutory beneficiaries under N.J.S.A. 2A:31-4, including her mother Sukri Lee, her father Kyungyong Lee, and her brother Chris Lee.

262. As a direct and proximate result of Victoria's pain and suffering and death, Victoria's statutory beneficiaries have sustained injuries, including without limitation, the loss of Victoria's services, companionship, comfort, society, advice, counsel, and guidance.

263. Accordingly, the statutory beneficiaries, by and through Plaintiff Kyung Lee, are entitled to damages.

COUNT 13
Negligent Infliction of Emotional Distress
(Against Defendants Pickens, Lee, Cima, Scicutella, Koutroubinis, John and Jane Doe Officers and Fort Lee)

264. Plaintiffs Sukri Lee and Chris Lee hereby incorporate by reference the allegations set forth in the foregoing paragraphs as if fully set forth herein.

265. Sukri Lee was Victoria's mother. Chris Lee was Victoria's brother. Sukri and Chris each shared an intimate familial relationship with Victoria.

266. Victoria's serious physical injuries and death were caused by the carelessness, recklessness, and gross negligence of FLPD Defendants, who were on duty and acting in the scope of their employment, when they engaged in the wrongful conduct described herein.

267. Sukri Lee and Chris Lee were physically present at the scene and directly observed Victoria suffer fatal injuries when FLPD Defendants shot her.

268. As a result, Plaintiffs Sukri Lee and Chris Lee have suffered severe emotional distress.

269. Accordingly, Plaintiffs Sukri Lee and Chris Lee are entitled to damages.

270. Defendant Fort Lee, as employer of the FLPD Defendants, is responsible for their acts under the doctrine of *respondeat superior*.

COUNT 14
Intentional Infliction of Emotional Distress
(Against Defendants Pickens, Lee, Cima, Scicutella, Koutroubinis, John and Jane Doe Officers and Fort Lee)

271. Plaintiffs Sukri Lee and Chris Lee hereby incorporate by reference the allegations set forth in the foregoing paragraphs as if fully set forth herein.

272. Sukri Lee was Victoria's mother. Chris Lee was Victoria's brother. Sukri and Chris each shared an intimate familial relationship with Victoria.

273. The FLPD Defendants intentionally engaged in extreme and outrageous conduct, including without limitation by unjustifiably breaking down

her apartment door and fatally shooting Victoria while she was in the midst of a mental health episode, while she was not known to be a threat, and while she was not suspected of any crime.

274. FLPD Defendants knew that Victoria's immediate family members, Sukri Lee and Chris Lee, were physically present at the scene and would witness the FLPD Defendants' interactions and use of lethal force against Victoria.

275. Sukri Lee and Chris Lee directly observed Victoria suffer fatal injuries when FLPD Defendants shot her.

276. As a result of FLPD Defendants' intentional and outrageous conduct, Sukri Lee and Chris Lee suffered severe emotional distress.

277. Accordingly, Plaintiffs Sukri Lee and Chris Lee are entitled to damages.

278. Defendant Fort Lee, as employer of the FLPD Defendants, is responsible for their acts under the doctrine of *respondeat superior*.

WHEREFORE, Plaintiffs pray that judgment be entered against Defendants as follows:

- A. That the Court award compensatory damages to Plaintiffs and against all Defendants, jointly and severally, in an amount to be determined at trial;

- B. That the Court award punitive damages to Plaintiffs and against all individual Defendants in their individual capacity, in an amount to be determined at trial, that will deter such conduct by defendants in the future;
- C. For a trial by jury;
- D. For pre-judgment and post-judgment interest and recovery of Plaintiffs' costs, including reasonable attorneys' fees pursuant to 42 U.S.C. §§ 1988 and 12205 as well as any other applicable laws; and
- E. For any and all other relief to which Plaintiffs may be entitled.

Dated: July 14, 2026

Respectfully submitted,

/s/ Nick Brustin

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