

**Patterson v. School Dist.**  
**2000 U.S. Dist. LEXIS 10245; (E.D. PA 2000)**

Opinion  
Clarence C. Newcomer, S.J.

**MEMORANDUM**

Presently before the Court are defendants' Motions for Summary Judgment and plaintiff's opposition thereto. For the reasons that follow, said Motions will be granted.

**Facts**

On September 24, 1997, Corey Floyd, a student at Lambertson School, was brutally attacked by an unidentified number of students. Corey Floyd, (hereafter "Floyd") accompanied by his mother, Ms. Cobb, then went to the 18th Police District, to file a criminal complaint regarding an assault upon Floyd. While at the 18th Police District, Mr. Floyd and his mother were presented to the Juvenile Aid Officer, Michelle Haines. Upon seeing the condition of Floyd and being aware that Floyd had been recently hospitalized for the assault, Officer Haines re-scheduled an interview with the victim for October, 1, 1997.

On October 1, 1997, Floyd returned to the 18th Police District, specifically the Southwest Detective Division, and was interviewed by Officer Haines. During this interview, Floyd provided a signed statement detailing the events of the assault upon him and naming those students who participated in the attack. Floyd explained in his statement that he and his mother returned to the school, the day after the assault, to identify those who participated in the attack. Approximately three weeks later, Officer Haines contacted the School Security Officer, John Hall, (hereafter "Hall"), and confirmed that there had been an assault and that the names provided to her by Floyd were students that Floyd previously identified.

Based on Floyd's statement, Officer Haines submitted an affidavit of probable cause accompanied by supporting documents such as Floyd's statement and arrest report for each named student, alleging aggravated assault and conspiracy to commit aggravated assault, to the District Attorney's Office Charging Unit. Shortly thereafter, Officer Haines received approval of the charges from two separate Assistant District Attorneys. As a result, Officer Haines then made arrangements with Lambertson school officials to arrest the named students.

On October 21, 1997, Officer Haines arrested all named students, except Rafeek Foman, at the Lambertson school. School officials went to each of the named students' classrooms and requested that the students proceed to the disciplinarian office. Upon arrival to the office, the students were then arrested by Officer Haines and transported to the 18th Police District. Several hours later the students were released to the custody of their parents. Since Rafeek Foman transferred to another school, based on the affidavit of probable cause and supporting documents, Officer Haines obtained a warrant for Foman's arrest. Subsequently, Foman surrendered to police.

In September 1999, plaintiffs filed their complaint with this Court against defendants Police Officer Michelle Haines, Commissioner Richard Neal, the City of Philadelphia, the Philadelphia School District, and several School District employees. Plaintiffs raised in their complaint the following causes of action: (1) unreasonable search and seizure; (2) denial of equal protection; (3) failure to train and supervise; (4) negligence; (5) assault; (6) intentional infliction of emotional distress; (7) negligent infliction of emotional distress; (8) false imprisonment; (9) false arrest and (10) malicious prosecution.

### **No Legal Basis Exists to Support the Plaintiff's Claim for False Arrest as a Constitutional Violation.**

The Fourth Amendment of the Constitution of the United States provides that "the right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated, and no warrants shall issue, but upon probable cause supported by oath or affirmation, and particularly describing the place to be searched and the person or things to be seized." U.S. Const. Amend. IV. The Fourteenth Amendment of the Constitution of the United States provides that: "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive a person of life, liberty, or property, without due process of law. . . ." U.S. Const. Amend. XIV.

Probable cause is more than a mere suspicion of criminal activity, it does not require the arresting officer to possess sufficient evidence to establish guilt beyond a reasonable doubt. See *Orsatti v. New Jersey State Police*, 71 F.3d 480, 482. In cases considering whether the arresting officer possessed probable cause to arrest, the proper inquiry is "whether the arresting officer had probable cause to believe the person arrested had committed the offense"; it is "not whether the person arrested in fact committed the offense." *Groman v. Township of Manalapan*, 47 F.3d 628, 634 (3d Cir. 1995). The Constitution does not guarantee that only the guilty will be arrested, therefore, whether the plaintiffs were prosecuted or not has no relevance in determining the validity of the arrest. *Baker v. McCollan*, 443 U.S. 137, 145, 99 S. Ct. 2689, 61 L. Ed. 2d 433 (1979).

A court could reasonably conclude that Officer Haines had probable cause to arrest the plaintiff based on several factors. First, the victim identified the plaintiffs in his police report. Second, Officer Haines observed Floyd's injuries as a result of the assault and Officer Haines received approval of the charges against the plaintiffs from the District Attorney. Once a police officer has discovered sufficient facts to establish probable cause, the officer has no constitutional duty to further investigate in hopes of finding exculpatory evidence. Once Officer Haines possessed the probable cause to arrest plaintiffs, she had no obligation to further investigate the matter. See *Baker v. McCollan*, 443 U.S. 137, 99 S. Ct. 2689, 61 L. Ed. 2d 433 (1979).

In this instance, it is clear that Officer Haines arrested plaintiffs with probable cause. The victim of the assault identified the plaintiffs without hesitation in the police report. Hence, Officer Haines is entitled to immunity. The Third Circuit has analogized claims of probable cause with claims for malicious prosecution. Therefore, claims of arrest without probable cause must satisfy the elements of a claim for malicious prosecution. *Lee v. Mihalich*, 847 F.2d 66 (3d Cir. 1988). AS demonstrated earlier in this decision, plaintiffs cannot satisfy the elements for malicious

prosecution against City defendants. Hence, they cannot satisfy the elements of a claim of arrest without probable cause.

### **Officer Haines is Immune from Liability under the Doctrine of Qualified Immunity.**

If an officer's "conduct does not violate clear established statutory or constitutional rights of which a reasonable person would have known, under the doctrine of qualified immunity, an arresting officer is protected from liability under 42 U.S.C. 1983. See *Harlow v. Fitzgerald*, 457 U.S. 800, 818, 102 S. Ct. 2727, 73 L. Ed. 2d 396 (1982). The Supreme Court has held that under qualified immunity "even law enforcement officials who 'reasonably but mistakenly conclude that probable cause is present' are entitled to immunity." *Hunter v. Bryant*, 502 U.S. 224, 227, 112 S. Ct. 534, 116 L. Ed. 2d 589 (1991).

Qualified immunity protects governmental officials from the burdens of civil trial. "Only when an official's conduct violates 'clearly established statutory or constitutional rights of which a reasonable person would have known' is the official not protected by qualified immunity." *Harlow v. Fitzgerald*, 457 U.S. 800, 818, 73 L. Ed. 2d 396, 102 S. Ct. 2727 (1982). When a defendant asserts a qualified immunity defense in a motion for summary judgment, the plaintiff must first show that the defendant's alleged conduct violated a clearly established federal statutory or constitutional right. If this burden is met, then defendant must show that no genuine issue of material fact exists as to the "objective reasonableness" of defendant's belief in the lawfulness of her actions. See *In re City of Philadelphia Litigation*, 49 F.3d 945 (3d Cir. 1995). An arresting officer may be liable only if "on an objective basis, it is obvious that no reasonably competent officer would have concluded that" probable cause existed. *Malley v. Briggs*, 475 U.S. 335, 341, 106 S. Ct. 1092, 89 L. Ed. 2d 271 (1986).

Officer Haines, in this instance, behaved reasonably and lawfully in her actions. There was probable cause for the arrests of the plaintiffs. According to Officer Haines' depositions, she arrested students in a disciplinary office and not in a classroom before plaintiffs peers and professors. Officer Haines attempted to contact all parents within an hour of the arrest. Officer Haines frequently checked on the plaintiffs in the 18th district holding cell to ensure their safety, comfort and well-being. Clearly, Officer Haines behavior was reasonable. Therefore, Officer Haines is entitled to immunity.

### **Plaintiffs Cannot Meet the Burdens of *Franks v. Delaware* in their Challenge to Officer Haines Affidavit of Probable Cause.**

The standard to apply when challenging the validity of an affidavit of probable cause is established in *Franks v. Delaware*, 438 U.S. 154, 98 S. Ct. 2674, 57 L. Ed. 2d 667 (1978). Under *Franks* a plaintiff must prove, by a preponderance of the evidence, that the Officer knowingly and deliberately, or with a reckless disregard for the truth, made false statements or omissions that create a falsehood in applying for the warrant; that such statements or omissions are material, or necessary, to a finding of probable cause. See *Franks v. Delaware*, 438 U.S. at 155. Pursuant to the *Franks* analysis, if a judicial officer could conclude that the defendant's affidavit is sufficient to establish probable cause, the defendant is entitled to summary judgment. Two Assistant District Attorneys, reasonable judicial officers, concluded that Officer Haines' affidavit of probable cause was sufficient to establish probable cause to arrest.

The Franks analysis has been explained by the Third Circuit in *Sherwood v. Mulvihill*, 113 F.3d 396 (3d Cir. 1997). Under 42 U.S.C. 1983 "a plaintiff must prove, by a preponderance of the evidence, (1) that the affiant knowingly and deliberately, or with a reckless disregard for the truth, made false statements or omissions that create a falsehood in applying for a warrant; and (2) that such statements or omissions are material, or necessary to the finding of probable cause." *Sherwood*, 113 F.3d at 399.

Plaintiffs have not submitted evidence that Officer Haines acted with knowledge that the statements made to her by Floyd, the victim of the assault, were false or that any statements made by Officer Haines in her affidavits of probable cause were made with knowledge that the statements were false. Plaintiffs have not shown that Officer Haines entertained serious doubts as to the truth of Floyd's statements or was highly aware of its falsity. The challenges made against Officer Haines affidavits of probable cause have not satisfied the standard outlined in *Franks*.

Since the claims against former Police Commissioner Richard Neal hinged upon the claims against Officer Haines it can be concluded that as a matter of law Richard Neal is also entitled to summary judgment. In viewing the evidence in the light most favorable to the non-moving parties, all City defendants are entitled to summary judgment as a matter of law.

### **School District Defendants**

Plaintiffs allege that defendants consented to have plaintiffs arrested and assisted police officers in the arrest by providing their names and addresses to police, which is a violation of federal law.

Under Pennsylvania law, police officers are cloaked with authority for their actions. It would have been a criminal violation for any person to physically interfere with the police action. See 18 Pa.C.S.A. §§ 5101.5104,5105 and 2701. Even where the police action is later determined to be unlawful, a third party is not excused from the consequence of physical interference. *Commonwealth v. Supertzi*, 235 Pa. Super. 95, 340 A.2d 574 (1975).

In addition, when a matter is taken over by law enforcement, the School District and its employees "cannot be liable for any constitutional violation that followed." *Jennings v. Joshua Ind. School District*, 869 F.2d 870 (5th Cir. 1989). The School District defendants were not in a position to keep police officers from arresting plaintiffs. In fact, to interfere with the arrests would have been a criminal violation.

Plaintiffs also allege that the School District defendants unlawfully released information regarding defendants. Under FERPA, 20 U.S.C.A. § 2132g general information referred to as "directory information" can be disseminated without consent of students and parents. Therefore, providing the police with the plaintiffs' names and addresses did not require parental consent and was not a violation of federal law.

In light of the above it is not necessary to address issues of Respondent Superior or tort claims as this Court has found the actions of City defendants and School District defendants lawful. The defendants have proven that they all behaved reasonably and within the confines of the law. Since plaintiffs do not clearly point to acts made by Officer Haines and how they violated plaintiffs' rights, this Court is not persuaded that material facts are in dispute. The evidence does

not demonstrate a disagreement that would require submission to a jury. There is no dispute that Floyd was assaulted and identified plaintiffs as the perpetrators of his assault. Floyds police report does not show that he conveyed any doubt to Officer Haines as to the identity of those who attacked him. Therefore, Officer Haines acted reasonably when she proceeded to seek permission from the District Attorneys Office for their arrest. The non-moving parties have not satisfied their burden of showing the existence of a genuine issue for trial. In viewing the evidence in the light most favorable to the non-moving parties, the defendants are entitled to summary judgment as a matter of law.

### **Conclusion**

Accordingly, for the foregoing reasons, the Court will grant defendants' Motions for Summary Judgment.