

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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KAROLINA OSTROWSKA-TUZNİK,

Civil Action No.: _____

Plaintiff,

COMPLAINT

-against-

JURY TRIAL DEMANDED

CITY OF NEW YORK, JESSICA TISCH,
Individually, and MARK WACHTER,
Individually,

Defendants.
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Plaintiff KAROLINA OSTROWSKA-TUZNİK, by her attorneys the LAW OFFICE OF JOHN A. SCOLA, PLLC, as and for her Complaint against Defendants CITY OF NEW YORK, JESSICA TISCH, Individually, and MARK WACHTER, Individually (collectively, "Defendants"), alleges as follows:

PRELIMINARY STATEMENT

1. This is a civil rights action brought pursuant to 42 U.S.C. § 1983 to redress Defendants' retaliation against Plaintiff KAROLINA OSTROWSKA-TUZNİK for exercising rights guaranteed by the First and Fourteenth Amendments to the United States Constitution: her right to petition the government for redress of grievances, and her right to speak as a citizen on matters of public concern.
2. Plaintiff is a Lieutenant in the New York City Police Department ("NYPD") and, until Defendants dismantled it, was the Commanding Officer of the Health & Wellness Section's K9 Wellness Outreach and Support Unit — the unit the NYPD created after ten of its officers died by suicide in a single year, and the unit Plaintiff helped build from nothing. That unit no longer exists.

3. On September 17, 2025, Plaintiff filed a civil action in the Supreme Court of the State of New York, New York County, alleging that Defendant TISCH refused to retain her in the Health & Wellness Section upon promotion while routinely retaining her male counterparts. That lawsuit is captioned Ostrowska-Tuznik v. City of New York, et al., Index No. 162389/2025. The filing of that action is quintessential protected petitioning activity.
4. Plaintiff then went to the press to expose the sudden shift against the mental health of members of the service. She contacted a reporter for The New York Times about her lawsuit, and on October 9, 2025, while off duty and with counsel present, gave an interview. On December 11, 2025, the Times published an article reporting on the NYPD's officer-suicide crisis, the uncertain fate of the Department's therapy-dog program under Defendant TISCH, and Plaintiff's allegations of gender discrimination. Plaintiff spoke as a private citizen, on her own time, about matters of the highest public concern — how the largest police department in the United States treats officers in mental-health crisis, and whether it discriminates against the women who serve it.
5. Defendants' response was swift, sustained, and punitive. Within days of the state-court filing, Defendant WACHTER demanded by telephone and text message that Plaintiff amend her complaint to delete the paragraphs concerning him, accused her of trying to destroy his career, and circulated copies of her complaint through the office while telling colleagues she had "betrayed" him. After the Times article ran, the Department opened an Internal Affairs Bureau investigation into Plaintiff's communications with the press, compelled her to submit to interrogation, and issued her a formal disciplinary Letter of Instruction for speaking to the media — even though nothing she said was confidential, and even though the Letter of Instruction identifies a date on which Plaintiff gave no interview at all.

6. Defendants then stripped Plaintiff of the command she had built: her outreach was subjected to reporting requirements imposed on no one else, her unit was cut out of the death and crisis notifications that were its entire reason for existing, her requests for replacement dogs and supplies went unanswered, her dogs were removed from the Department calendar, her supervisory meetings proceeded without her, and the K9 Wellness Outreach and Support Unit was allowed to die. A detective under Plaintiff's command was targeted for her association with Plaintiff and was forced to retire. Plaintiff, left with no unit to command, was forced to accept the promotion that Defendants had previously used to force her out.
7. The retaliation did not stop when Plaintiff left the unit. At her new command, Transit District 1, Plaintiff has been hand-picked for punishment details, worked on her regular days off, and paid straight time for assignments that carry overtime for everyone else. And after Plaintiff cleaned out her office as directed — picking up expired dog food on March 29, 2026 and the remainder of her belongings and canine supplies on April 11, 2026, with the express authorization of the Department's administrative lieutenant, and consistent with a Department-wide practice of provisioning retired police canines that the NYPD itself memorialized in the written bailment agreement it executed for Plaintiff's dog — Defendants caused an Internal Affairs log to be generated against her. On July 30, 2026, Plaintiff was interrogated for approximately three and a half hours, accused of stealing dog food, and forced to produce purchase receipts for an exercise bicycle she bought with her own money in 2015 and one her sister-in-law gave her as a gift.
8. The consequences of what Defendants did are not abstract. Since the K9 Wellness Outreach and Support Unit was dismantled, the NYPD has suffered multiple member suicides.
9. On August 25, 2026, Defendant TISCH sent a Department-wide message to every member of the NYPD. It began: "Over the past several weeks, our Department has suffered the devastating loss of two uniformed members of service and one civilian member of service

to suicide." She wrote that "[t]hree losses so close together make an already painful moment even harder," urged members who are struggling to "reach out," and directed them to the Department's wellness resources — among them the Employee Assistance Unit, the Health and Wellness Section, and the Department's peer support program. She closed: "When a life is in danger, this Department acts. That same urgency must apply when the life at risk belongs to one of our own."

10. Those are the resources Plaintiff built and ran. The Health and Wellness Section canine program that Defendant TISCH now points her officers toward is the program she allowed to die. The peer-support confidentiality that makes officers willing to come forward is the confidentiality Plaintiff was ordered to breach, and was threatened with an Internal Affairs referral for refusing to breach. And the officer who told the public, ten months before that message was sent, that the Department was quietly getting rid of its officer-wellness program is the officer Defendants investigated, disciplined, stripped of her command, and drove toward the door.
11. Plaintiff said publicly, in December 2025, what Defendant TISCH wrote privately to the Department in August 2026: that when the life at risk belongs to one of our own, the Department must act. Plaintiff was punished for saying it.
12. Each of these acts was objectively likely to deter a person of ordinary firmness from filing a lawsuit against the NYPD or from speaking publicly about how the NYPD treats officers in crisis. That is precisely what they were designed to do.
13. Plaintiff brings this action to vindicate her First Amendment rights and to recover compensatory and punitive damages, injunctive and declaratory relief, and attorneys' fees and costs.

JURISDICTION AND VENUE

14. This action arises under the First and Fourteenth Amendments to the United States Constitution and 42 U.S.C. §§ 1983 and 1988.
15. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1343(a)(3) and (4).
16. This Court has authority to grant declaratory and injunctive relief pursuant to 28 U.S.C. §§ 2201 and 2202 and Rules 57 and 65 of the Federal Rules of Civil Procedure.
17. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b) because Defendant CITY OF NEW YORK resides in this District, because the individual Defendants perform their official duties in this District, and because a substantial part of the events and omissions giving rise to Plaintiff's claims occurred in this District.
18. No notice of claim is required as a condition precedent to the commencement of an action under 42 U.S.C. § 1983.
19. This action is timely commenced within the applicable three-year statute of limitations. Each of the retaliatory acts alleged herein occurred on or after September 17, 2025.

PARTIES

20. Plaintiff KAROLINA OSTROWSKA-TUZNIK is a female citizen of the United States, over twenty-one years of age, and a resident of Nassau County, New York.
21. Plaintiff has been a member of the NYPD since July 2012. She was promoted to Sergeant in October 2019 and to Lieutenant on March 30, 2026. She currently serves in Transit District 1.
22. Plaintiff was born in Poland and immigrated to the United States in 2002.

23. Defendant CITY OF NEW YORK is a municipal corporation organized and existing under the laws of the State of New York. The NYPD is an agency of Defendant CITY OF NEW YORK. At all relevant times, Defendant CITY OF NEW YORK was Plaintiff's employer.
24. Defendant JESSICA TISCH is, and at all relevant times was, the Police Commissioner of the NYPD. She is sued in her individual capacity. At all relevant times, Defendant TISCH acted under color of state law and within the scope of her employment.
25. At all relevant times, Defendant TISCH held final policymaking authority for the CITY OF NEW YORK with respect to the assignment, retention, transfer, and discipline of members of the NYPD.
26. Defendant MARK WACHTER is, and at all relevant times was, an Inspector in the NYPD. He is sued in his individual capacity. At all relevant times, Defendant WACHTER acted under color of state law and within the scope of his employment.
27. At all relevant times, Defendant WACHTER held a supervisory position over Plaintiff and exercised control over the terms and conditions of her employment.
28. At all relevant times, each individual Defendant acted under color of the statutes, ordinances, regulations, customs, and usages of the State of New York and the City of New York.

FACTUAL ALLEGATIONS

A. Plaintiff Built the NYPD's Officer-Wellness K9 Program

29. Plaintiff joined the NYPD as a police officer in July 2012 and was assigned to the 113th Precinct in January 2013. In 2017 she transferred to the Personnel Bureau.

30. In August 2019, Plaintiff joined the NYPD's Health and Wellness Section ("HWS"). She was one of three founding members of the Section, which the Department established in 2019 after ten of its members died by suicide in a single year.
31. Plaintiff was promoted to Sergeant in October 2019 and, after a brief assignment to the 112th Precinct, returned to HWS.
32. Plaintiff was tasked with overhauling HWS following the spike in suicides within the Department. She worked directly with the Office of the Inspector General to align the Section with its officer-wellness mandates.
33. In 2024, Plaintiff was tasked with taking over the K9 Wellness Outreach and Support Unit, expanding its operations and increasing Department-wide outreach. In that role she established a close partnership with the non-profit organization Puppies Behind Bars and helped grow the NYPD's emotional-support K9 program. The program initially welcomed two Labradors, Jenny and Piper, in 2021, followed by Glory and Emma.
34. In March 2024, Plaintiff was named the Commanding Officer of the Health & Wellness Section, K9 Wellness Outreach and Support Unit. The Unit consisted of Plaintiff and three detectives. Under Plaintiff's command, citywide outreach tripled.
35. On April 3, 2024, Plaintiff was approved to train as a dog handler. She completed handler training on July 29, 2024. The training and the canine cost approximately \$60,000, which was covered by Puppies Behind Bars.
36. Plaintiff was partnered with a Labrador Retriever named Emma. Emma was assigned a shield number and treated as a member of the service. Plaintiff and Emma responded to officer suicides, line-of-duty deaths, sudden deaths, funerals, and precinct wellness calls, frequently from home and outside assigned hours.
37. On July 28, 2025, when a gunman killed four people, including NYPD Detective Didarul Islam, at 345 Park Avenue, Plaintiff responded to the hospital with Emma to support the

officers who had carried Detective Islam out of the building. Defendants TISCH and Assistant Chief Michael Baker were present and witnessed Plaintiff's work.

38. Plaintiff is certified in crisis intervention and mental-health first response, and has extensive specialized training in law-enforcement suicide prevention. No other member of the NYPD possesses both certified therapy-K9 handler training and the institutional knowledge required to lead the Department's officer-wellness and suicide-prevention programs.

39. Plaintiff's record of service is exemplary. In November 2021 she was honored by the Policewomen's Endowment Association for her advocacy on behalf of female officers. She was also part of the successful effort to extend the NYPD's maternity leave policy from six weeks to twelve, and was instrumental in developing and advancing numerous wellness initiatives throughout the Department.

B. Plaintiff Is Denied Retention and Files a Lawsuit — Protected Petitioning Activity

40. In January 2023, Plaintiff passed the civil service examination for Lieutenant and was placed on the promotional list.

41. Before agreeing to become a handler, Plaintiff raised with Defendant WACHTER her concern that she would be forced to give up the dog upon promotion. Defendant WACHTER assured her that retention would not be a problem.

42. Under NYPD practice, members promoted to supervisory rank are generally assigned to patrol, but members possessing specialized skills of particular use to the Department may be retained in their units. Retention is discretionary and is decided by the Police Commissioner's office.

43. Plaintiff's formal request for retention in HWS was endorsed by Deputy Commissioner Lisa White and delivered to Defendant TISCH on June 20, 2025.

44. Retention upon promotion is decided by the Police Commissioner personally. No other official in the Department has the authority to grant or deny it, and no one may override her decision. Every retention referred to in this Complaint — those granted and the one denied to Plaintiff — was Defendant TISCH's decision.
45. On or about July 16, 2025, Plaintiff was informed that Defendant TISCH would not permit her to remain in the Health and Wellness Section because "this administration does not retain people," and that she would have to choose between her promotion and her dog.
46. That explanation was false. Between December 2024 and August 2025, Defendant TISCH permitted at least thirteen male members of the service to be retained in specialized units upon promotion, including Philip Miranda, Marvin Luis, Antonio Antenucci, Jack Conway, Steven Counihan, Carlos Morales, Sean Trentacosta, Robert Ciborowski, Denis McCarthy, Roy Rodriguez, Jian Yu, Thomas P. McLaughlin, and Lauren Baladan. In the case of Lieutenant Jack Conway, a Captain's position was created in the Ceremonial Unit that did not previously exist so that he could be retained.
47. The men Defendant TISCH retained included members assigned to specialized units and members assigned to purely administrative positions requiring no specialized skill at all. Plaintiff, who held a \$60,000 canine-handler certification and irreplaceable institutional expertise in suicide prevention, was retained in neither.
48. Plaintiff was twice forced to defer her promotion to Lieutenant in order to remain with her unit and her dog.
49. On September 17, 2025, Plaintiff commenced an action in the Supreme Court of the State of New York, New York County, captioned *Ostrowska-Tuznik v. City of New York, Jessica Tisch, Michael Baker, and Mark Wachter*, Index No. 162389/2025, alleging sex and gender discrimination, national-origin discrimination, hostile work environment, and

retaliation under the New York State Human Rights Law and the New York City Human Rights Law.

50. The filing and prosecution of that action is protected activity under the Petition Clause of the First Amendment.

51. The subject matter of that action — whether the Police Commissioner of the City of New York discriminates on the basis of sex in deciding which members of the service are retained in specialized assignments — is a matter of public concern.

C. Defendant Wachter Retaliates Immediately and Demands That Plaintiff Rewrite Her Complaint

52. Defendant WACHTER learned of the lawsuit almost immediately after it was filed.

53. Beginning on or about September 23, 2025, Defendant WACHTER placed repeated telephone calls and sent repeated text messages to Plaintiff demanding that she change her lawsuit and remove the paragraphs concerning him.

54. Defendant WACHTER accused Plaintiff of attempting to ruin his career by describing his role in the events surrounding Defendant TISCH's refusal to retain her.

55. Defendant WACHTER's demands were intended to coerce Plaintiff into abandoning or narrowing her lawsuit — that is, into curtailing her exercise of the right to petition.

56. When Plaintiff refused to remove Defendant WACHTER from the lawsuit, he distributed copies of the complaint within the office and Department-wide, and told colleagues that Plaintiff had "betrayed" him, exposing Plaintiff to hostility and condemnation among the members of her own command.

57. Defendant WACHTER thereafter ceased communicating with Plaintiff, isolating her from the chain of command on which her unit depended.

58. On October 7, 2025, Plaintiff filed a complaint of discrimination against Defendant WACHTER with the NYPD's Office of Equal Employment Opportunity ("OEEO").

59. The very next day, Defendant WACHTER appeared at Plaintiff's office to tell her that he "supported her" — making clear that he had been told about a complaint that was supposed to be confidential.

60. On or about October 24, 2025, Defendant WACHTER spoke with another sergeant about Plaintiff's lawsuit and stated, in substance, that "she's going after me and it's personal now," and that he was "concerned about her mental health."

61. On November 5, 2025, Defendant WACHTER shared in a group text message that included Plaintiff a social media post praising him, at a time when Plaintiff had been invited to attend his EEO hearing.

D. Plaintiff Speaks to The New York Times as a Private Citizen on Matters of Public Concern

62. Plaintiff contacted a reporter for The New York Times about her lawsuit. She did so as a private citizen, on her own initiative, through her attorney, and not through any Department channel.

63. On October 9, 2025, at approximately 0900 hours, Plaintiff participated in the resulting interview. The interview was conducted by videoconference. Plaintiff was off duty. Plaintiff's attorney was present.

64. Going to the press about a lawsuit against a government agency is the most ordinary form of citizen speech there is. It is exactly what a private citizen with a grievance against the government does, and it is exactly what the First Amendment protects.

65. Plaintiff did not speak pursuant to any official duty. Commenting to the press about the Police Commissioner's treatment of the officer-wellness program, or about her own

allegations of discrimination, formed no part of Plaintiff's job responsibilities as a Sergeant or as the Commanding Officer of the K9 Wellness Outreach and Support Unit.

66. Plaintiff disclosed no confidential information. She disclosed no information concerning any member of the service who had sought or received peer support or mental-health treatment. She disclosed no information concerning any pending investigation.
67. On December 11, 2025, The New York Times published an article by Maria Cramer entitled "Emma and Glory Are N.Y.P.D. Therapy Dogs. Will They Get to Stay?"
68. The article reported that the NYPD's wellness-dog program appeared to be "in limbo"; that two of the unit's four dogs and their handlers had retired with no plans to replace them; that under Defendant TISCH the Department had been reassigning officers from what she described as "desk jobs" to patrol; and that Plaintiff had sued the Department and Defendant TISCH claiming gender discrimination because approximately a dozen men had been promoted without having to leave their units.
69. The article quoted Plaintiff's statement that "[i]t's almost like they're trying to get rid of the whole thing," and reported the views of a former NYPD Inspector who helped create the wellness unit that a wellness program including therapy dogs is "crucial to the crime-fighting mission" and that stigma prevents officers from coming forward when they are experiencing mental-health issues.
70. The subjects on which Plaintiff spoke — police officer suicide, the adequacy of the NYPD's mental-health response, the fate of a program funded through Puppies Behind Bars and the New York City Police Foundation at a cost of approximately \$60,000 per dog, and alleged sex discrimination by the Police Commissioner — are matters of profound public concern.
71. The Health & Wellness Section's K9 Wellness Outreach and Support Unit existed for one reason: to keep police officers from killing themselves. The NYPD created it after ten members of the service died by suicide in a single year. Whether the Department has quietly

eliminated the program it built in response to that crisis is a question the public is entitled to know the answer to.

72. The NYPD has now killed the unit. Two canines and their handlers retired and were never replaced. An approved replacement handler was trained and then removed, and her canine returned to Puppies Behind Bars. Plaintiff's written requests to replace the retiring canines went unanswered. The Department's own canine release agreement records that the unit's remaining canine was in service only "from August 2024 to April 2026." Plaintiff, the unit's Commanding Officer, was forced out. There is no longer a K9 Wellness Outreach and Support Unit.

73. Plaintiff told the public what was happening to that program while it was still happening. That is the speech Defendants punished her for.

74. Plaintiff's speech to The New York Times is protected by the First Amendment.

E. Defendants Strip Plaintiff of Her Command and Isolate Her Unit

75. Prior to Plaintiff's lawsuit and press interview, Plaintiff exercised ordinary command discretion over the scheduling, deployment, and outreach operations of the K9 Wellness Outreach and Support Unit. That changed.

76. On September 30, 2025 — before the lawsuit was publicly reported — Plaintiff submitted requests to replace two therapy canines and their handlers following recent retirements. She never received a response.

77. On October 28, 2025, during a therapy-K9 event at the 47th Precinct, Plaintiff was told during a press conference that she had to leave and could not remain around the press.

78. On October 29, 2025, Plaintiff received communications from a Health and Wellness Section supervisor imposing new requirements on the operation of the Therapy K9 Unit.

79. On November 7, 2025, following serious incidents involving members of the service, including a suicide and an off-duty accident, Plaintiff's therapy-K9 team was not notified, despite crisis response being the unit's core function.
80. On November 8, 2025, a member of the service suffered a heart attack. Again, Plaintiff and her team were not notified.
81. On November 12, 2025, Plaintiff was required to begin submitting a detailed weekly outreach schedule. Plaintiff was advised that the requirement originated with the First Deputy Commissioner. No comparable supervisor in the Health and Wellness Section was subjected to this requirement.
82. On November 17, 2025, a Captain telephoned Plaintiff at approximately 1555 hours to ask where she was. Plaintiff advised that she was in her office. Plaintiff was also told she could no longer begin her tour at 0600 hours on Fridays, notwithstanding prior authorization, while other members of the Health and Wellness Section continued to sign in as early as 0430 hours.
83. On or about November 17, 2025, a civilian employee reported to Plaintiff that a Lieutenant in her command had been referring to her as "crazy."
84. On December 10, 2025, Plaintiff was informed by the Deputy Commissioner of Public Information that the Therapy K9 Unit would not be featured in the 2026 NYPD K9 calendar, notwithstanding that arrangements had previously been made and photographs of the dogs had been taken for that purpose.
85. On December 30, 2025, a supervisors' meeting for the Health and Wellness Section was conducted and Plaintiff — a supervisor in that Section — was excluded.
86. On January 3, 2026, Plaintiff learned from the Chief Executive Officer of Puppies Behind Bars that a Captain had contacted her requesting a meeting concerning the Therapy K9 Unit. Plaintiff, the Unit's Commanding Officer, was neither informed nor invited.

87. On January 7, 2026, that meeting with the Chief Executive Officer of Puppies Behind Bars took place without Plaintiff. On January 9, 2026, a further meeting was held from which Plaintiff was excluded.
88. Plaintiff was pulled from Employee Assistance Unit cases she had previously handled.
89. By withholding notification of major crises and incidents, Defendants prevented Plaintiff from doing her job. She could not respond to what she was not told about, and she was left unable to handle her own cases.
90. Plaintiff was required to sign in at a precinct for outreach, a requirement not previously imposed and not imposed on comparable supervisors.
91. Plaintiff was denied the ability to exercise Emma during working hours, notwithstanding that on-duty exercise is standard practice for every other canine handler in the Department and is necessary to the health of the animal.
92. Plaintiff's overtime was cut.
93. Plaintiff was cut out of notifications regarding the deaths of members of the service — the very notifications that triggered her unit's response.
94. Plaintiff's requests for canine supplies and for additional dogs were ignored.
95. Each of these actions was retaliatory. None of them was imposed on Plaintiff before she sued Defendant TISCH and spoke to The New York Times, and none of them was imposed on any comparable supervisor in the Health and Wellness Section. They were imposed because Plaintiff had sued the Police Commissioner, because she had told a newspaper that the Department was abandoning its officer-wellness program, and because she would not withdraw either. Their purpose was to punish her for having spoken, to make her position untenable so that she would leave, and to demonstrate to every other member of the service what happens to an officer who sues the Department and goes public.

96. On January 30, 2026, the Executive Director of the Health and Wellness Section directed by group text message that Plaintiff and the detective under her command begin reporting out, in a group chat that included non-clinical supervisors, the identities and circumstances of members of the service who sought peer support. His stated model was: "Tomorrow at approx. 0900, P.O. FIRST LAST (XXX Pct, TAX) will be coming in to the EAU suite to meet with us. FIRST recently found out her partner has been cheating on her. She is seeking support."
97. Plaintiff objected immediately and in writing. She responded: "I'm sorry but I highly disagree with putting any of that information on paper as a peer counselor. By doing so we are violating confidentiality." She explained that law-enforcement peer support confidentiality protects conversations between officers and trained peers and encourages officers to seek mental-health support without fear of professional repercussion, and she transmitted to the group the text of the New York State legislation establishing that protection.
98. Plaintiff further objected that disclosing "[n]ames, shield numbers, or identifiable details[,] [c]ontent of conversations[,] [m]ental health information[,] [p]ersonal stressors or allegations is breaking confidentiality without a valid exception and truly concerning."
99. The Executive Director refused. He responded: "Again. I'm not asking. This is how it will be reported out moving forward." He asserted that disclosure to him was privileged because he holds a professional license, and stated: "the captain is a supervisor and therefore shielded. And if she were to break confidentiality I would report her to IAB. Just as I reported to IAB the breaches in confidentiality in the past."
100. The Captain then commanding the Section endorsed the directive.

101. The Executive Director's statement was an explicit threat to refer members of Plaintiff's unit to the Internal Affairs Bureau if they did not comply — and an acknowledgement that he had used IAB referrals against members of the unit before.
102. Plaintiff's objection to the directive was speech on a matter of public concern. Whether the NYPD may require peer-support counselors to log the identities, mental-health information, and personal circumstances of officers who seek help — in a group text message that includes non-clinical supervisors — goes directly to whether officers in crisis will come forward at all, in a Department that created the program in response to a suicide epidemic.
103. New York had by then enacted the Lieutenant Joseph Banish Mental Health Act, Chapter 641 of the Laws of 2025, which amends the Executive Law to establish confidentiality for communications arising out of law-enforcement peer support counseling. Plaintiff cited that legislation in her objection.
104. Plaintiff reported the directive.
105. On February 25, 2026, Plaintiff was directed to submit a monthly outreach schedule in addition to the weekly schedule already required of her. No other supervisor was subject to either requirement.
106. On February 26, 2026, Plaintiff was advised in a meeting that scheduling would be done for her if she did not follow the new rules — an express removal of her supervisory discretion.
107. Taken together, these measures had the intended effect of making it impossible for Plaintiff to perform the function of the unit she commanded. Upon information and belief, they were imposed at the direction of Defendant TISCH and of officials acting on her instructions. Plaintiff was told that the reporting requirements originated at the level of the

First Deputy Commissioner, and the staffing policy that emptied the Health and Wellness Section was Defendant TISCH's own.

F. Internal Affairs Investigates Plaintiff's Speech to the Press and Compels Her Testimony

108. Following the publication of the December 11, 2025 New York Times article, Defendants caused the NYPD's Internal Affairs Bureau ("IAB") to open a formal investigation into Plaintiff's communications with The New York Times.

109. On or about January 2, 2026, Plaintiff was notified by IAB of an official Department investigation concerning her alleged communications with the media.

110. On or about January 6, 2026, a civilian employee reported to Plaintiff that a Health and Wellness Section supervisor had stated during a videoconference that he had to "drop [an] IAB log" on the Therapy K9 Unit concerning a detective's retirement party. Plaintiff reported that information to IAB and to OEEO.

111. On January 5, 2026, Plaintiff learned that her union would not represent her in the IAB matter, and was advised that the allegations were connected to her gender-discrimination lawsuit and should be handled by her private attorney.

112. On January 14, 2026, Plaintiff was interviewed by OEEO. She reported that following her gender-discrimination lawsuit she believed she was being subjected to retaliation and pushed out of the Department. This is separate protected activity.

113. Immediately following that OEEO interview, on the same day, Plaintiff was directed into a Captain's office and extensively questioned about her work and the work of her detective in a manner Plaintiff experienced as intimidating and hostile.

114. Before the interrogation, Plaintiff's counsel informed the Internal Affairs investigators that the investigation was retaliation for Plaintiff's protected lawsuit and her protected speech to the press. The investigators proceeded anyway.

115. A member of the service who is informed that a Department action is retaliatory is required to report that allegation to the Office of Equal Employment Opportunity. Notwithstanding Plaintiff's express claim of retaliation, made through counsel and on the record, no investigator reported it. The Department instead completed the investigation and disciplined her.

116. On January 21, 2026, Plaintiff was compelled to submit to a formal IAB interrogation concerning her communications with The New York Times and the substance of her pending discrimination lawsuit.

117. The Department took the position that Plaintiff had disclosed confidential information to the press. Nothing reported in the December 11, 2025 article was confidential. The article reported on the existence of the wellness-dog program, the retirement of two dogs and their handlers, the Department's staffing priorities, and Plaintiff's pending public lawsuit — all matters of public record or of general public knowledge.

118. At no point was Plaintiff advised of any disciplinary basis for the investigation independent of her protected speech and her protected lawsuit.

***G. Defendants Issue a Formal Letter of Instruction Punishing Plaintiff's Speech,
Documenting the Retaliation***

119. On February 25, 2026, the Internal Affairs Bureau, Group 12, issued Plaintiff a disciplinary Letter of Instruction. It was signed by a Captain and addressed to Plaintiff at the Health and Wellness Unit.

120. The Letter of Instruction states that "the Internal Affairs Bureau conducted an investigation under Log #2025-39008, involving a violation of Patrol Guide procedure 212-77 Release of Information to News Media."
121. The Letter of Instruction further states: "This investigation has determined that on or about October 17, 2025, you participated in an unauthorized interview with the New York Times without conferral with the office of DCPI."
122. The Letter of Instruction directs Plaintiff to review and comply with Patrol Guide procedure 212-77, quoting the provision that "[u]nauthorized communication with the news media, without conferral with the Office of the Deputy Commissioner, Public Information is prohibited," and further directs her "to meet with your Commanding Officer to discuss your duties and responsibilities related to this issue."
123. The Letter of Instruction is a threat. It tells Plaintiff, in writing and on Department letterhead, that speaking to the press is a punishable offense; that the Department has already found her to have committed one; that a record of it will follow her for the rest of her career; and that she is to report to her Commanding Officer to be told what her duties are. Its message to Plaintiff — and to every member of the service who learned of it — is that the next time will be worse.
124. The Letter of Instruction states: "Additionally, a copy of this letter will be sent to the Chief of Personnel for placement in your permanent personnel file." It was copied to the Chief of Personnel and to the Commanding Officer of the Health and Wellness Unit.
125. Plaintiff was required to sign and date the Letter of Instruction, and did so on March 3, 2026.
126. By its own terms, then, the Letter of Instruction is a permanent disciplinary record, created by the Internal Affairs Bureau, arising from an investigation whose entire subject was Plaintiff's communication with a newspaper.

127. The Letter of Instruction is predicated on a factual finding that is wrong. Plaintiff did not participate in an unauthorized New York Times interview on October 17, 2025. October 17, 2025 was the date of Detective Efrain Hernandez's retirement party.
128. Plaintiff's interview with The New York Times occurred on October 9, 2025, while she was off duty, by videoconference, with her attorney present, and concerned her pending gender-discrimination lawsuit.
129. Defendants have never identified any specific statement by Plaintiff, on October 17, 2025 or on any other date, that was confidential, false, or damaging to the Department's operations.
130. The Letter of Instruction is a formal disciplinary record placed in Plaintiff's permanent personnel file. It may adversely affect her promotional opportunities, assignments, career standing, and reputation within the Department, and it exposes her to escalated discipline for any subsequent allegation.
131. The Letter of Instruction was issued because Plaintiff spoke to the press about her lawsuit and about the Department's treatment of its officer-wellness program. It is retaliation for protected speech, and it was objectively likely to deter a person of ordinary firmness from speaking again.
132. Patrol Guide procedure 212-77 cannot lawfully be applied to punish a member of the service for speaking, off duty and as a private citizen, about her own pending discrimination lawsuit and about matters of public concern. Applied as Defendants applied it here, the procedure operates as a prior restraint on protected citizen speech.
133. The Internal Affairs log underlying the Letter of Instruction bears a 2025 log number — Log #2025-39008 — reflecting that the investigation into Plaintiff's communications with the press was opened in 2025, after Plaintiff filed her lawsuit.

134. The Letter of Instruction issued on February 25, 2026 — the same day that Detective Theresa Mahon was called into an office with multiple higher-ranking supervisors without Plaintiff's knowledge, and the same day Plaintiff filed an EEO complaint on Detective Mahon's behalf.

H. Defendants Retaliate Against a Member of Plaintiff's Command for Her Association With Plaintiff

135. Detective Theresa Mahon served under Plaintiff's command as the handler of the therapy canine Glory. Detective Mahon appeared, with Plaintiff, in the December 11, 2025 New York Times article.

136. On February 25, 2026, Detective Mahon was called into an office with multiple higher-ranking supervisors. Plaintiff, her direct supervisor, was neither included nor advised. Detective Mahon reported to Plaintiff that she felt targeted and intimidated. As a result of that meeting, Detective Mahon suffered a panic attack while still in the office.

137. On February 25, 2026, Plaintiff filed an EEO complaint on behalf of Detective Mahon, who stated that she believed supervisors were targeting and intimidating her because of Plaintiff's pending discrimination lawsuit. Plaintiff's filing of that complaint is additional protected activity.

138. On March 28, 2026, Detective Mahon retired. She advised Plaintiff that she did so because of the toxic work environment and the ongoing retaliation she experienced as a result of Plaintiff's lawsuit.

139. Punishing those who stand with a plaintiff is a recognized method of punishing the plaintiff, and it magnified the chilling effect of Defendants' conduct on Plaintiff and on every other member of the Department watching what happened to her.

I. Defendants Dismantle the Unit and Force Plaintiff Out

140. In February 2025, the canine Piper and her handler, Detective Ronald Thomas, retired. A detective and a replacement canine, Thunder, completed two weeks of training, but Defendant TISCH did not approve the replacement. The detective was removed from the dog team and Thunder was returned to Puppies Behind Bars.
141. In October 2025, Detective Efrain Hernandez and the canine Jenny retired. Neither was replaced.
142. Plaintiff's written requests to replace the retiring canines and handlers, submitted on September 30, 2025, went unanswered.
143. After Plaintiff filed her lawsuit and spoke to the press, the K9 Wellness Outreach and Support Unit was allowed to expire. By the spring of 2026 the unit Plaintiff had built and commanded no longer functioned.
144. By March 2026 it was clear to Plaintiff that she would never be retained in the Health and Wellness Section and that there was no unit left to be retained in.
145. On or about March 18, 2026, because of the intolerable conditions described above, Plaintiff asked to be reinstated to the promotion list and included in the next promotion.
146. On March 30, 2026, Plaintiff accepted promotion to Lieutenant and left the Health and Wellness Section — the precise outcome Defendants had sought since July 2025, achieved by making her position untenable.
147. On April 9, 2026, the Department executed a written Canine Release and Bailment Agreement releasing Emma to Plaintiff. That agreement recites that the canine was "previously in the service of the Department as a Therapy/Facility K9 assigned to the Health & Wellness Section from August 2024 to April 2026."
148. Paragraph 2(c) of the Department's own Canine Release and Bailment Agreement provides that, "[r]esources permitting, the Department may assume some costs of the

Canine's care including, but not limited to, food, basic veterinary care, care related to conditions that were pre-existing prior to retirement, and end of life care."

J. Punitive Assignments at Transit District 1

149. Plaintiff reported to Transit District 1 as a Lieutenant on April 13, 2026.

150. Beginning immediately upon her arrival, Plaintiff's Commanding Officer repeatedly selected her for details and frequently changed her tours, at times leaving as little as approximately two hours between assignments.

151. Details are among the least desirable assignments available to a supervisor, requiring the supervisor to stand a fixed post for an entire tour. They are supposed to be assigned on a rotational basis. Plaintiff has been assigned them so frequently that she is referred to within the command as "the detail lieutenant."

152. Plaintiff is regularly directed to work details on her regular days off.

153. Details of this kind are ordinarily compensated at overtime rates. Plaintiff has been assigned them on straight time.

154. Multiple members of the service at Transit District 1 have independently told Plaintiff that it was obvious her Commanding Officer did not like her and was "going after" her, and that he would telephone the administrative office and specifically direct that particular details be assigned to Plaintiff after the roll call had already been prepared.

155. On June 10, 2026, Plaintiff's Commanding Officer telephoned her regarding a detail and questioned her about her federally protected medical leave, stating in substance, "Remind me, why did I agree to your FMLA?" Plaintiff responded that he had not approved it and that the leave had been approved through the Department's Medical Division.

K. The Manufactured Dog-Food Investigation and the July 30, 2026 Interrogation

156. It has long been the practice within the NYPD — in the Health and Wellness Section, in the Emergency Service Unit, and in Transit — that handlers of retired police canines return to the Department on a regular basis to obtain food, supplies, and equipment for the care of those animals, and that the Department bears the cost of veterinary care, leashes, and collars for retired canines.
157. That practice is confirmed by the Department's own written Canine Release and Bailment Agreement, quoted above, which expressly contemplates that the Department may assume the cost of the canine's food and veterinary care after the canine leaves service.
158. Detective Efrain Hernandez retired with the canine Jenny in October 2025. Since his retirement, Detective Hernandez has returned to the Department on many occasions to collect dog food and supplies. No disciplinary action has been taken against him.
159. On March 27, 2026, while at work, Plaintiff spoke with the Administrative Lieutenant of her command and received his express authorization to pick up the expired dog food, canine supplies and equipment, and her personal belongings from the office, and to complete the necessary administrative paperwork. At that time the Therapy K9 Unit was effectively gone.
160. On March 29, 2026, Plaintiff cleaned out her office as directed and picked up the expired dog food. On April 11, 2026, she returned for the remainder of her personal belongings and the canine supplies.
161. On April 13, 2026, the Administrative Lieutenant texted Plaintiff again, because a large quantity of dog food remained in the office, to ask whether she was taking it.
162. On April 14, 2026, an Internal Affairs log was generated against Plaintiff concerning the dog food.
163. On April 21, 2026 — a week after that log was generated against Plaintiff — Detective Hernandez came to the office and took more dog food and supplies, as did other

members of the Health and Wellness Section who were not canine handlers at all. The Administrative Lieutenant was present while they did so. No log was generated against any of them.

164. On July 24, 2026, a sergeant at Transit District 1 forwarded to Plaintiff an A.G. 318-11 Hearing Notification directing her to appear on Thursday, July 30, 2026 at 1300 hours at 315 Hudson Street, 3rd Floor, as a "Subject MOS" in Case No. C26-118, with an "Incident Date" of April 11, 2026. The notification warned that "[i]nexcusable lateness will result in DISCIPLINARY ACTION," directed her to bring her charged Department phone with her activity log, and advised that "IT IS THE SUBJECT OFFICER'S RESPONSIBILITY TO OBTAIN LEGAL REPRESENTATION."

165. On July 30, 2026, Plaintiff appeared as directed and was interrogated by IAB for approximately three and a half hours. She was accused of removing Department property, including expired dog food, canine supplies and equipment, and a canine grooming vacuum, without authorization, and was accused of taking property valued at more than one thousand dollars.

166. Plaintiff's union attorney characterized the interrogation as a fishing expedition.

167. After the interrogation, an IAB sergeant told Plaintiff that it was "not looking good" for her.

168. IAB also interrogated Plaintiff about a Peloton exercise bicycle that had been kept in the office. Plaintiff had brought the bicycle into the office and had paid for it herself. Plaintiff was accused of using NYPD funds to purchase exercise equipment.

169. Plaintiff owns two Peloton bicycles. She purchased the first in 2015 with her own money. The second was a gift from her sister-in-law. Plaintiff produced an invoice establishing her purchase and ownership, and was then required to produce proof of

purchase for the bicycle she had received as a gift, forcing her sister-in-law to locate a years-old receipt.

170. Use of exercise equipment during a meal period is permitted and commonplace within the Department. No rule was broken.

171. The dog-food and Peloton allegations are pretextual. Plaintiff took property she was authorized to take, that the Department's own bailment agreement contemplates providing, that was about to expire or had expired, and that similarly situated male handlers routinely take without consequence.

172. The true reason Plaintiff was subjected to a three-and-a-half-hour interrogation over expired dog food and her own exercise bicycle is that she sued the Police Commissioner and told The New York Times about it.

L. The Department Substantiates Plaintiff's Complaint Against Defendant Wachter — and Interrogates Her Two Days Later

173. On July 28, 2026, the NYPD's Office of Equal Employment Opportunity issued a written determination to Plaintiff in EEO Case No. 79s.25, concerning the complaint she had filed on October 7, 2025.

174. The determination states: "It has been determined by the Police Commissioner that the allegations you made against Inspector Wachter have been deemed SUBSTANTIATED."

175. The Department — through its own Office of Equal Employment Opportunity, and by determination of the Police Commissioner herself — thus found that Plaintiff's allegations against Defendant WACHTER were substantiated.

176. That determination is an admission by Defendant CITY OF NEW YORK. It establishes that Plaintiff's protected complaint was meritorious, that Defendant

WACHTER engaged in the conduct alleged, and that Defendant TISCH had actual, personal knowledge of that conduct.

177. The same determination deemed Plaintiff's allegations against the Captain then commanding the Health and Wellness Section and against the Section's Executive Director "EXONERATED," and her allegation against the Deputy Commissioner "UNSUBSTANTIATED."

178. The determination closes with the printed admonition, "RETALIATION IS PROHIBITED."

179. Two days later, on July 30, 2026, Plaintiff was interrogated for approximately three and a half hours over expired dog food and her own exercise bicycle.

180. The Department knew, as of July 28, 2026, that Plaintiff had been the victim of substantiated misconduct by a superior officer whom she had sued. It nonetheless proceeded with a theft investigation against her, and it has taken no action to remedy the retaliation she reported.

M. Causation, Chilling Effect, and Damages

181. The temporal proximity between Plaintiff's protected activity and Defendants' adverse actions is stark. Plaintiff filed suit on September 17, 2025; Defendant WACHTER began demanding that she rewrite her complaint within days. The New York Times published on December 11, 2025; IAB notified Plaintiff of an investigation into her media contact within approximately three weeks, interrogated her within six weeks, and issued formal discipline within twelve.

182. The sequence in July 2026 is the clearest illustration. On July 28, 2026, the Police Commissioner determined that Plaintiff's discrimination complaint against a superior

officer was substantiated. On July 30, 2026, Plaintiff sat for a three-and-a-half-hour interrogation over expired dog food.

183. Plaintiff had no disciplinary history of this kind before she filed suit. In more than thirteen years of service she built the Department's officer-wellness program, was decorated for her advocacy, and was entrusted with responding to the Department's most acute crises. She was subjected to two Internal Affairs investigations, a compelled interrogation, and formal discipline only after she sued and spoke.

184. Each of the acts described above — the demands to amend her complaint, the circulation of her complaint through the office, the exclusion from meetings and notifications, the reporting requirements imposed on no one else, the removal of supervisory discretion, the loss of overtime, the IAB investigations, the compelled interrogations, the Letter of Instruction, the punitive detail assignments, and the interrogation over expired dog food — would deter a person of ordinary firmness from filing a discrimination lawsuit against the NYPD or from speaking publicly about the Department's treatment of officers in mental-health crisis.

185. That deterrence was the point. Defendants' conduct was intended to punish Plaintiff for speaking and petitioning, and to signal to every other member of the service what would happen to them if they did the same.

186. As a direct and proximate result of Defendants' retaliation, Plaintiff has suffered economic loss, including lost overtime, the loss of assignments and emoluments of employment, and the loss of the career she built in the Health and Wellness Section.

187. As a direct and proximate result of Defendants' retaliation, Plaintiff has suffered significant stress, chronic headaches, difficulty sleeping and concentrating, persistent fear, anxiety, and emotional exhaustion, and in February 2026 was placed on medication for high blood pressure. She has since been placed on anxiety medication and a sleep aid.

188. The harm is ongoing. On Sunday, August 9, 2026, Plaintiff became so anxious about reporting for duty that she became physically ill and was forced to call out sick.

189. As a direct and proximate result of Defendants' retaliation, Plaintiff has suffered damage to her professional reputation and standing within the Department, including a formal disciplinary record and the pendency of an Internal Affairs matter accusing her of theft.

190. The conditions Defendants have imposed are so intolerable that Plaintiff, a decorated Lieutenant with more than fourteen years of service, is being compelled to leave the Department.

191. Defendants' conduct was willful, wanton, malicious, and undertaken with reckless indifference to Plaintiff's federally protected rights, warranting an award of punitive damages against the individual Defendants.

N. Three Suicides in Three Weeks, and the Commissioner's August 25, 2026 Message to the Department

192. The Health & Wellness Section's K9 Wellness Outreach and Support Unit was created because ten members of the New York City Police Department died by suicide in a single year. Its purpose was to reach officers in crisis before it was too late.

193. Since the unit was dismantled, the NYPD has suffered multiple member suicides.

194. On August 25, 2026, at approximately 9:08 a.m., Defendant TISCH transmitted a message captioned "A Message from the Police Commissioner" to the members of the New York City Police Department.

195. The message states: "Over the past several weeks, our Department has suffered the devastating loss of two uniformed members of service and one civilian member of service

to suicide. I know how deeply these deaths are being felt across the NYPD, especially by the families, friends, and colleagues who knew them best."

196. It continues: "Three losses so close together make an already painful moment even harder. And I want every member of this Department to hear something clearly: you do not have to face difficult moments alone."

197. It states: "This is an extraordinarily demanding profession. Our officers see human trauma up close, carry enormous responsibility, and face pressures that can take a toll over time... Too often, those who are struggling do so without telling anyone what they are going through."

198. It urges: "If you are struggling, please reach out. You do not need to wait until you are in crisis, and you do not need to figure out on your own where to turn... Reaching out for help takes courage."

199. It states: "When a life is in danger, this Department acts. That same urgency must apply when the life at risk belongs to one of our own."

200. The message then directs members of the service to the Department's resources, listing among them the Employee Assistance Unit, the Health and Wellness Section's Critical Incident Stress Management program, the Chaplains Unit, the Medical Division, and Peer Support — described as "more than 300 members on the Department Health and Wellness app and intranet." It closes: "Please take care of yourselves and each other. This Department is here for you." It is signed "Jessica S. Tisch, Police Commissioner."

201. Every one of those resources sits within, or grew out of, the Section Plaintiff helped found in 2019 and the programs she spent seven years building.

202. The canine program Defendant TISCH allowed to expire was part of that same wellness apparatus. Its dogs were deployed to officer suicides, line-of-duty deaths, funerals, and precincts where members were in distress. Plaintiff and the canine Emma

responded to those calls, frequently from home and outside assigned hours. There is no longer a K9 Wellness Outreach and Support Unit to respond to them.

203. The peer support program Defendant TISCH commends to her officers depends entirely on confidentiality. An officer will not disclose that he is in crisis if he believes it will be written into a group text message read by his supervisors. Plaintiff objected, in writing, to a directive requiring precisely that. For objecting, she was told that members who did not comply would be reported to the Internal Affairs Bureau.

204. On December 11, 2025 — more than eight months before Defendant TISCH wrote that the Department must act with urgency when the life at risk belongs to one of its own — Plaintiff told The New York Times that the Department appeared to be getting rid of its officer-wellness program. She was right.

205. For saying it, Plaintiff was investigated by the Internal Affairs Bureau, interrogated, disciplined by a Letter of Instruction placed permanently in her personnel file, stripped of her command, excluded from the meetings and notifications her unit existed to answer, denied replacement canines and handlers, forced to accept a promotion in order to escape an untenable assignment, assigned punishment details at her new command, and interrogated for three and a half hours over expired dog food.

206. The First Amendment exists so that public employees who see a government agency abandoning a life-safety function can say so out loud. Plaintiff said so. What happened to her afterward is what this action is about, and the cost of silencing an officer in her position is measured in the losses Defendant TISCH described on August 25, 2026.

COUNT I
FIRST AMENDMENT RETALIATION — FREEDOM OF SPEECH
42 U.S.C. § 1983
AGAINST DEFENDANTS TISCH AND WACHTER

207. Plaintiff re-alleges and incorporates by reference each of the foregoing paragraphs as though fully set forth herein.
208. The First Amendment to the United States Constitution, applicable to the states through the Fourteenth Amendment, protects the right of a public employee to speak as a citizen on matters of public concern.
209. Plaintiff's October 9, 2025 interview with The New York Times, and the statements attributed to her in the resulting December 11, 2025 article, constituted speech as a citizen on matters of public concern, including police officer suicide, the adequacy of the NYPD's mental-health and wellness programs, the fate of the Department's therapy-canine unit, and alleged sex discrimination by the Police Commissioner.
210. Plaintiff did not speak pursuant to her official duties. She spoke while off duty, by videoconference, with counsel present, and about subjects on which she had no job responsibility to comment. Commenting to the press on the Police Commissioner's treatment of the wellness program, or on her own allegations of discrimination, was no part of what she was employed to do.
211. Plaintiff's speech has a clear civilian analogue. Any member of the public may speak to a newspaper reporter about a police department's treatment of officers in mental-health crisis and about a pending lawsuit, and Plaintiff spoke through the same channel any citizen would use — an interview with a reporter, off duty, arranged through her attorney.
212. Plaintiff's speech did not disclose confidential information and did not impair discipline, harmony, or the efficient operation of the Department. Any interest Defendants may assert in restricting Plaintiff's speech is outweighed by Plaintiff's interest, and the public's interest, in speech concerning officer suicide and discrimination within the NYPD.
213. Plaintiff further engaged in protected speech on January 30, 2026, when she objected to a directive that she and her subordinate report the identities, mental-health

information, and personal circumstances of members of the service who sought peer support into a group text message that included non-clinical supervisors. Whether a police department may compel its peer-support counselors to disclose that information is a matter of public concern, and Plaintiff's objection was met with an express threat to refer members of her unit to the Internal Affairs Bureau.

214. Plaintiff's further complaints of retaliation to OEEA on January 14, 2026, and her February 25, 2026 EEO complaint filed on behalf of a subordinate, likewise constitute protected activity.

215. On July 28, 2026, the NYPD determined that Plaintiff's October 7, 2025 complaint against Defendant WACHTER was SUBSTANTIATED. Two days later, Plaintiff was subjected to a three-and-a-half-hour interrogation on allegations that the Department's own written canine bailment agreement and its uniform practice with respect to retired canines refute.

216. Defendants were aware of Plaintiff's protected speech. The New York Times article identified Defendant TISCH by name, described her policy of returning officers from what she called "desk jobs" to patrol, and reported Plaintiff's allegations against her. The Department issued a written statement to the newspaper in response. Defendant WACHTER was named as a defendant in the lawsuit that was the subject of the article.

217. Defendant TISCH was personally involved in the deprivation of Plaintiff's rights. She personally denied Plaintiff's retention. She personally declined to approve the replacement canine and handler after they had completed training, causing the canine to be returned to Puppies Behind Bars. She set and enforced the staffing policy that hollowed out the Health and Wellness Section. The increased reporting requirements imposed on Plaintiff after her lawsuit were communicated to her as originating at the First Deputy Commissioner level. And the July 28, 2026 determination that Plaintiff's discrimination

complaint against Defendant WACHTER was substantiated was made, by its own terms, by the Police Commissioner.

218. Defendant TISCH thus knew that Plaintiff had sued her, knew that Plaintiff had spoken publicly about that lawsuit, knew that Plaintiff's complaint against a superior officer had been substantiated, and permitted the retaliation described above to continue and escalate.

219. Defendants took adverse actions against Plaintiff because of her protected speech, including without limitation causing an Internal Affairs investigation to be opened into her communications with the press, compelling her to submit to interrogation, issuing a formal disciplinary Letter of Instruction, stripping her of supervisory discretion and command functions, excluding her from meetings and operational notifications, imposing reporting requirements on her alone, cutting her overtime, refusing to replace her unit's canines and handlers, allowing her unit to be dissolved, assigning her punitive details, and subjecting her to a further Internal Affairs investigation and interrogation on pretextual allegations of theft.

220. Each of these adverse actions was objectively likely to deter a person of ordinary firmness from exercising his or her First Amendment rights.

221. Plaintiff's protected speech was a substantial and motivating factor in each of the adverse actions taken against her.

222. Defendants would not have taken these actions in the absence of Plaintiff's protected speech. The stated bases for their actions are pretextual, as demonstrated by, among other things, the Letter of Instruction's reliance on a date on which Plaintiff gave no interview, the absence of any confidential information in the published article, and the Department's tolerance of identical conduct by a similarly situated male handler with respect to canine food and supplies.

223. Defendants acted under color of state law.

224. As a direct and proximate result of Defendants' conduct, Plaintiff has suffered and continues to suffer the damages described above.

COUNT II
FIRST AMENDMENT RETALIATION — RIGHT TO PETITION
42 U.S.C. § 1983
AGAINST DEFENDANTS TISCH AND WACHTER

225. Plaintiff re-alleges and incorporates by reference each of the foregoing paragraphs as though fully set forth herein.

226. The Petition Clause of the First Amendment protects the right of a public employee to petition the government for redress of grievances, including by filing and prosecuting a lawsuit.

227. Plaintiff's lawsuit is not a private grievance about her own pay or working conditions. It alleges that the Police Commissioner of the City of New York systematically denies women the specialized-unit retention she grants to men, and it arises out of the Department's dismantling of the program it created in response to an officer-suicide crisis. Those allegations were the subject of national news coverage.

228. Plaintiff engaged in protected petitioning activity when she commenced and has continued to prosecute *Ostrowska-Tuznik v. City of New York, et al.*, Index No. 162389/2025, in the Supreme Court of the State of New York, New York County, on September 17, 2025.

229. Plaintiff's lawsuit addresses a matter of public concern: whether the Police Commissioner of the City of New York discriminates on the basis of sex in determining which members of the service are retained in specialized assignments, and whether the Department has abandoned the officer-wellness program it created in response to a suicide crisis.

230. Defendants were aware of Plaintiff's lawsuit. Defendant WACHTER learned of it within days of filing and is a named defendant in it. Defendant TISCH is a named defendant in it and was identified in national press coverage of it.

231. Defendant WACHTER retaliated against Plaintiff for her petitioning activity by repeatedly telephoning and texting her to demand that she alter her complaint and remove the allegations concerning him; by accusing her of attempting to destroy his career; by circulating copies of her complaint within her command and telling colleagues she had "betrayed" him; by ceasing all communication with her; and by failing to report her complaints of discrimination as he was required to do.

232. Defendant WACHTER's conduct was an express attempt to coerce Plaintiff into curtailing her petition to the courts.

233. Defendants further retaliated against Plaintiff for her petitioning activity through each of the adverse actions described in Count I, including the Internal Affairs investigations, the compelled interrogations, the Letter of Instruction, the dismantling of her command, and the punitive assignments at Transit District 1.

234. Each of these adverse actions was objectively likely to deter a person of ordinary firmness from filing or maintaining a lawsuit against the Department.

235. Plaintiff's protected petitioning activity was a substantial and motivating factor in each of the adverse actions taken against her.

236. Defendants acted under color of state law.

237. As a direct and proximate result of Defendants' conduct, Plaintiff has suffered and continues to suffer the damages described above.

COUNT III
MUNICIPAL LIABILITY
42 U.S.C. § 1983
AGAINST DEFENDANT CITY OF NEW YORK

238. Plaintiff re-alleges and incorporates by reference each of the foregoing paragraphs as though fully set forth herein.

239. Defendant TISCH, as Police Commissioner of the City of New York, is the final policymaker for Defendant CITY OF NEW YORK with respect to the assignment, retention, transfer, investigation, and discipline of members of the NYPD. Her decisions in these areas are not subject to review by any other municipal official.

240. Defendant TISCH personally decided that Plaintiff would not be retained in the Health and Wellness Section, personally declined to approve replacement canines and handlers for the K9 Wellness Outreach and Support Unit, and set the Department policy under which members assigned to what she characterized as "desk jobs" were returned to patrol.

241. The adverse actions taken against Plaintiff following her protected speech and petitioning — including the Internal Affairs investigation into her communications with the press, the compelled interrogation, and the issuance of a formal disciplinary Letter of Instruction — were taken by or with the approval, direction, or ratification of Defendant TISCH and of officials to whom she delegated final authority over Department discipline.

242. Because those decisions were made by an official with final policymaking authority over the subject matter, they constitute the official policy of Defendant CITY OF NEW YORK.

243. In the alternative, Defendant CITY OF NEW YORK maintains a custom and practice of using the Internal Affairs Bureau's investigative and disciplinary machinery to punish members of the service who file discrimination lawsuits against the Department or who speak publicly about Department operations, and of failing to train, supervise, or discipline supervisors who retaliate against members who engage in protected activity.

244. That custom is evidenced within Plaintiff's own command. The Executive Director of the Health and Wellness Section stated in writing that he would "report her to IAB" if a supervisor did not comply with his directive, and volunteered that he had "reported to IAB the breaches in confidentiality in the past" — describing the Internal Affairs referral as a routine instrument of control rather than a response to misconduct. A civilian employee separately reported that the same official had said he had to "drop [an] IAB log" on the Therapy K9 Unit.
245. It is further evidenced by the response of Plaintiff's line organization, which declined to represent her in the Internal Affairs matter and advised her that the allegations were connected to her gender-discrimination lawsuit and should be handled by her private attorney.
246. Two separate Internal Affairs investigations were opened against Plaintiff in the ten months after she sued — one into her communications with a newspaper, and one into expired dog food she was authorized to take — and none in the thirteen years before.
247. Defendant CITY OF NEW YORK was on notice of the retaliation against Plaintiff. Plaintiff complained to OEEEO on October 7, 2025 and again on January 14, 2026, and filed an EEO complaint on behalf of a subordinate on February 25, 2026. The Department took no action to stop the retaliation; instead, the retaliation escalated.
248. Defendant CITY OF NEW YORK's notice is documented. On July 28, 2026, its Office of Equal Employment Opportunity advised Plaintiff in writing that the Police Commissioner had determined her allegations against Defendant WACHTER to be SUBSTANTIATED. Notwithstanding that determination — and notwithstanding the admonition printed on the determination itself that "RETALIATION IS PROHIBITED" — the CITY interrogated Plaintiff two days later, has left the Letter of Instruction in her personnel file, and has taken no step to remedy the retaliation she reported.

249. The policies, customs, and practices described above were the moving force behind the violation of Plaintiff's First Amendment rights.

250. As a direct and proximate result of Defendant CITY OF NEW YORK's policies, customs, and practices, Plaintiff has suffered and continues to suffer the damages described above.

JURY DEMAND

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

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter judgment in her favor and against Defendants, and award the following relief:

- a. A declaratory judgment that Defendants' conduct violated Plaintiff's rights under the First and Fourteenth Amendments to the United States Constitution;
- b. Injunctive relief directing Defendants to expunge from Plaintiff's personnel and disciplinary records the Letter of Instruction issued February 25, 2026, and any adverse finding arising from the Internal Affairs investigations into her communications with the press and into the canine food and supplies;
- c. Injunctive relief enjoining Defendants from further retaliation against Plaintiff, including the assignment of punitive details and the alteration of her tours in retaliation for her protected activity;
- d. Compensatory damages for lost overtime, lost assignments, lost emoluments of employment, and other economic loss, in an amount to be determined at trial;
- e. Compensatory damages for emotional distress, physical and psychological harm, humiliation, loss of dignity, and damage to Plaintiff's reputation and livelihood, as

- supported by medical and expert testimony at trial, in an amount to be determined at trial;
- f. Punitive damages against Defendants TISCH and WACHTER in their individual capacities in an amount to be determined at trial;
 - g. Reasonable attorneys' fees, costs, and expenses pursuant to 42 U.S.C. § 1988;
 - h. Pre-judgment and post-judgment interest as permitted by law; and
 - i. Such other and further relief as this Court deems just and proper.

Dated: New York, New York
August 25, 2026

Respectfully submitted,

LAW OFFICE OF JOHN A. SCOLA, PLLC

By: /s/ John A. Scola

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