



for and dislike of Frischling. After more than two years, the unfounded and malicious prosecution against Frischling terminated when the charges were dismissed by a Connecticut Superior Court judge. Frischling now seeks redress for the injuries and damages that he sustained due to the egregious misconduct to which he was subjected.

### **JURISDICTION AND VENUE**

4. This Court has subject matter jurisdiction over Frischling's federal claims pursuant to 28 U.S.C. §§ 1331 and 1343(a)(3)–(4) because such claims arise under the laws of the United States, specifically 42 U.S.C. § 1983, and allege the deprivation of rights guaranteed by the Constitution of the United States.

5. This Court has supplemental jurisdiction over Frischling's state law claims pursuant to 28 U.S.C. § 1367(a).

6. Venue lies in this district pursuant to 28 U.S.C. § 1391 because a substantial part of the events giving rise to this case took place in the District of Connecticut.

### **PARTIES**

7. Frischling is a citizen of the United States and resides in the state of Connecticut. Frischling has at all relevant times been a member of the Chesterfield Fire Company, a volunteer fire department serving the town of Montville, Connecticut. Frischling has served as the Chesterfield Fire Company's PIO since 2019.

8. Radford was at all relevant times a Lieutenant in the Montville Police Department serving the town of Montville, Connecticut and was acting under color of state law. He is sued in his individual capacity.

9. The Defendant, Albert Gosselin III (“Gosselin”), was at all relevant times a sergeant in the Connecticut State Police and the Resident State Trooper for the Town of Montville acting under color of state law. He is sued in his individual capacity.

10. The Defendant, Town of Montville (“Montville”), is a Connecticut municipality.

### **FACTS**

11. On February 7, 2021, a motor vehicle accident occurred at the intersection of Connecticut State Route 85 and Grassy Hill Road in Montville, Connecticut (the “Accident”).

12. Frischling, the Chesterfield Fire Company PIO, responded to the scene of the Accident. While present at the scene, Frischling wore a high-visibility jacket with the words “Chesterfield Fire Company P.I.O.” across the back and an identification badge bearing his name, his organization “Chesterfield Fire Company,” and his title “Public Info Officer” issued by the Town of Montville. He was equipped with two cameras for taking photographs.

13. On and before February 7, 2021, and since that date, the official duties and responsibilities of the Chesterfield Fire Company PIO were duly enumerated in

writing by the Chesterfield Fire Company. The PIO's duties and responsibilities include, without limitation, directing public relations activities for the Chesterfield Fire Company as well as the following:

(a) Researches, writes, and designs internal and external communications such as press releases and external reports for the public and/or agency;

(b) Photographs and visually documents incident scenes for release to the public, as well as usage for recruiting, training, and archives, provided that all images must meet or exceed HIPAA guidelines for release and further dissemination;

(c) Coordinates marketing efforts for department recruitment, community relations, and public education campaigns; and

(d) Manages and creates content for the agency's social networking sites and department website.

14. While present at the Accident, Frischling used his cameras to take four photographs of the Accident scene.

15. Later that day, Frischling posted the four Accident scene photographs, two of which were digitally altered to obscure a vehicle's license plate and the head of a first responder present at the scene, respectively, along with the following statement on the Chesterfield Fire Company Public Information Officer's Facebook

page, which had been authorized and created by the Chesterfield Fire Company in December 2019 (the “Facebook Post”):

This morning, shortly after 9:15AM, as the snow began to fall over the region, your Chesterfield Fire Company and Oakdale Fire Department, along with a Montville Career Firefighter and East Lyme’s Flanders Fire Department, operated on the scene of a two car motor vehicle accident, with entrapment, on Route 85 at Grassy Hill Road, Sunday, February 7, 2021, in Oakdale, Montville, CT.

The motor vehicle accident resulted in Route 85 being closed to traffic for more than half an hour, and three patients being transported to the hospital by the Chesterfield Fire Company, Oakdale Fire Department and Flanders Fire Department, along with an L&M Hospital Paramedic.

Your Montville Volunteer Fire Companies depend on you, our neighbors, to help protect our community. You are on this planet to make a difference, to do something. Leave a legacy. Join your local Montville Volunteer Fire Company.

(Images may have a digital blur to obscure portions of a patient’s identity and their license plate)

16. On that same day, an unknown person brought the Facebook Post to Radford’s attention.

17. Radford had an improper agenda and/or personally disliked Frischling. For one or both of those reasons, he used the Facebook Post as a pretext for commencing an unfounded criminal investigation against Frischling. Radford commenced such investigation on his own initiative and for no other purpose than to vex and trouble Frischling in furtherance of a personal vendetta.

18. Radford previously had expressed disdain for Frischling’s objectively innocuous and lawful activities as Chesterfield Fire Company PIO. Indeed, Radford

previously attempted to instigate an improper and unfounded investigation into the same. In November 2020, Radford sent an e-mail to the Montville Public Safety Commission complaining of a Facebook post made by Frischling on November 6, 2020 as the Chesterfield Fire Company PIO to the Chesterfield Fire Company PIO Facebook page. The post depicted the Montville Police Department logo on a police patrol vehicle and a canine wearing a police hat. The post stated:

Join your Montville Police Department and Montville Youth Services this Saturday, November 7, 2020 and Sunday, November 8, 2020, and help them Fill-A-Cruiser, for Holiday Food Baskets!

This Saturday and Sunday, from 9:00AM to 3:00PM your Montville Police Department and Montville Youth Services will be collecting food donations, outside Stop & Shop, located at 2020 Norwich-New London Tpke, in Uncasville, for Montville Social Services' annual holiday food baskets.

Help support your community and help assist those who work to ensure no one goes hungry within your community.

19. Radford stated to the Montville Public Safety Commission that the foregoing post should be investigated for misrepresentation and retaliation against the Montville Animal Control Officer. The Public Safety Commission did not act on Radford's inexplicable suggestion, and one commissioner expressed his wish that Radford was present at the Public Safety Commission meeting to provide clarity for his complaint, which was bizarre and objectively unreasonable on its face.

20. Thereafter, Radford actively sought an opportunity retaliate against Frischling. The Facebook Post presented him with such an opportunity. After conducting what Radford later described as an "investigation" into the Facebook

Post, on March 8, 2021 Radford applied for and obtained a warrant to arrest Frischling on two counts of violating Connecticut General Statutes § 53-341c. Radford obtained the arrest warrant by way of an Arrest Warrant Application (“Warrant Application”).

21. Connecticut General Statutes § 53-341c provides as follows:

Any peace officer or firefighter, as those terms are defined in section 53a-3, or any ambulance driver, emergency medical responder, emergency medical technician or paramedic, as those terms are defined in section 19a-175, who responds to a request to provide medical or other assistance to a person and, *other than in the performance of his or her duties*, knowingly (1) takes a photographic or digital image of such person without the consent of such person or a member of such person’s immediate family; or (2) transmits, disseminates or otherwise makes available to a third person a photographic or digital image of such person without the consent of such person or a member of such person’s immediate family, shall be fined not more than two thousand dollars or imprisoned not more than one year, or both.

(Emphasis added.) CONN. GEN. STAT. § 53-341c.

22. Radford knew full well that Frischling was the Chesterfield Fire Company PIO and was performing and in the course of his duties on February 7, 2021. As of the date that he signed the Warrant Application under oath, Radford had been a police officer for over twenty years. Yet Radford knowingly and intentionally, and/or with reckless disregard for the truth, made numerous false statements in the Warrant Application and/or omitted material information from the same, including without limitation the following:

(a) Radford stated that the Facebook Post was brought to his attention on February 7, 2021 without further detailing who brought to his

attention to suggest that a civilian complaint was made in connection with the Facebook Post or that such a complaint originated outside of the Montville Police Department when, on information and belief, no such complaint was made and Radford instigated the investigation into the Facebook Post entirely on his own initiative;

(b) Radford omitted any reference to the fact that the Chesterfield Fire Company has, since inception in 1947, its own chain of command, positions, and billets for its members, and that it is the prescribing authority for all duties and responsibilities for all of its positions and billets, including that of the PIO, to improperly and incorrectly suggest that the Chesterfield Fire Company either did not or could not prescribe the PIO's duties, including whether Frischling was performing his duties on February 7, 2021;

(c) Radford omitted any reference to the existence and substance of the Chesterfield Fire Company PIO's written duties and responsibilities, as duly enumerated by the Chesterfield Fire Company, and that such duties and responsibilities included taking photographs of incident scenes and releasing them to the public while adhering to HIPAA guidelines, including through social media such as Facebook, and he did so in order to conceal the existence and substance of such written duties and responsibilities from the state's attorney and/or the state court;



(d) Radford falsely characterized Frischling as one who merely identifies himself as the Chesterfield Fire Company PIO, as opposed to stating that Frischling was, in fact, the Chesterfield Fire Company PIO to improperly suggest that the PIO position is neither authorized nor legitimate, or that Frischling was not, in fact, the Chesterfield Fire Company PIO;

(e) Radford omitted the four photographs from the Warrant Application and falsely characterized certain of the photographs in a manner suggesting that they were of “a person,” as contemplated by CONN. GEN. STAT. § 53-341c, to whom medical or other assistance was being provided when they were not;

(f) Radford falsely stated that the photographs included occupants of vehicles at the Accident scene when they did not, and Radford knew such statement to be false at the time of its making;

(g) Radford falsely stated that one photograph depicted a victim still in the car when it does not, and Radford knew such statement to be false at the time of its making;

(h) Radford falsely stated that one photograph depicted an individual being strapped onto a stretcher when it does not, and Radford knew such statement to be false at the time of its making;

(i) Radford falsely stated that he had obtained a signed sworn statement from a witness related to one of the persons involved in the Accident when, in fact, he had not, and Radford knew such statement to be false at the time of its making;

(j) Radford omitted that, during his interview of Frischling on March 5, 2021, which Radford purports to describe in the Warrant Application, the Chief of the Chesterfield Fire Company, Keith Truex (“Chief Truex”), who was present with Frischling at the interview, stated that Frischling was acting in performance of his duties when taking photographs at the Accident scene and posting the Facebook Post, and that such duties were written enumerated duties and responsibilities of the Chesterfield Fire Company PIO;

(k) Radford omitted that, after his interview of Frischling on March 5, 2021, Frischling e-mailed Radford calling attention to the plain language of CONN. GEN. STAT. § 53-341c stating “other than in the performance of his or her duties;”

(l) Radford falsely stated that Frischling was wearing a high visibility jacket at the scene of the Accident that read “Chesterfield Fire Company” across the back when, in fact, the jacket to which Radford refers, which was issued by the Chesterfield Fire Company, clearly read “Chesterfield Fire Company P.I.O.” across the back as authorized by the

Chief of the Chesterfield Fire Company, and Radford did so to improperly suggest that Frischling was not present at the scene as the Chesterfield Fire Company PIO;

(m) Radford omitted the video recording from a dash-cam video that he refers to in the Warrant Application because it would have depicted Frischling wearing a high visibility jacket with the words “Chesterfield Fire Company P.I.O.” across the back;

(n) Radford omitted the Facebook Post and any reference to the fact that the post was made to the Chesterfield Fire Company PIO Facebook page, which was duly authorized and created by the Chesterfield Fire Company, to improperly suggest that the post was made to Frischling’s personal Facebook page and/or was posted in a manner inconsistent with Frischling’s duties as Chesterfield Fire Company PIO; and/or

(o) Radford omitted that the Town of Montville had paid for and issued to Frischling turn-out gear bearing the words “Chesterfield” and “P.I.O.” to improperly suggest that PIO was an informal and/or unauthorized position and that Frischling, therefore, could not have been engaged in the performance of any duties on February 7, 2021.

23. The foregoing false statements, mischaracterizations, distortions, and calculated omissions, among others, were critical to a finding of probable cause in

that they misled and induced the state's attorney and/or the state court to believe the following:

(a) that Radford had not instigated his so-called "investigation" or otherwise applied for an arrest warrant out of disdain for, and/or for the purpose of harassing and denigrating, Frischling;

(b) that there was probable cause that Frischling was *not* acting "in the performance of his . . . duties" as stated in CONN. GEN. STAT. § 53-341c at the Accident scene and in connection with the Facebook Post;

(c) that there was probable cause that the photographs were of a "person" for whom medical or other assistance was requested as stated in CONN. GEN. STAT. § 53-341c; and

(d) that there was probable cause as to a lack of consent to photograph and/or to disseminate any photograph from a "person" involved in the accident and/or such person's immediate family members as stated in CONN. GEN. STAT. § 53-341c.

24. Gosselin knew or should have known that the foregoing statements in the Warrant Application were false, misleading, or both, and he knew or should have known of Radford's various omissions of material fact, yet he approved and signed the Warrant Application. Gosselin previously had several prior interactions with Frischling in his capacity as Chesterfield Fire Company PIO and knew, among other things, that Frischling was the Chesterfield Fire Company PIO.

25. On March 9, 2021, and on the basis of Radford's false statements, mischaracterizations, distortions, and calculated omissions in the Warrant Application, a Connecticut state court judge issued a warrant for Frischling's arrest on two counts of violating CONN. GEN. STAT. § 53-341c. Later that day, Frischling was arrested at his home in the presence of his children.

26. On March 10, 2021, the Montville Police Department posted a "Criminal Information Summary" of Frischling's arrest, which included Frischling's home address, on its Facebook Page. The Montville Police Department had not previously engaged in such conduct in connection with any arrest, including felony arrests. Radford, Gosselin, and/or both directed and/or authorized such posting to intentionally denigrate, demean, and/or retaliate against Frischling.

27. Thereafter, Frischling was forced to retain counsel to defend himself in the unfounded and malicious prosecution that ensued, the original court date of which was April 21, 2021.

28. Despite the unmasking of Radford's false and misleading statements in the Warrant Application, Frischling was subjected to prosecution for another two years. The prolonged and unfounded prosecution involved approximately nineteen (19) court dates, no less than twelve (12) of which Frischling was compelled to appear for in-person.

29. Radford and Assistant State's Attorney Sarah Bowman ("Bowman"), the lead prosecutor on the matter, refused to drop the unfounded criminal charges

despite the complete and utter absence of probable cause to maintain the prosecution. Both knew that Frischling was acting in performance of his duties on February 7, 2021, yet Radford and Bowman worked in tandem to continue the malicious prosecution to Frischling's detriment despite the undisputed absence of *any* evidence tending to show that (a) Frischling was acting other than in "the performance of . . . his duties" at the scene of the Accident and thereafter; and/or (b) Frischling was acting outside the scope of "his duties" at the scene of the Accident and thereafter.

30. In or about late 2022 or early 2023, Radford and Bowman facilitated a meeting with Chief Truex and the chiefs of other fire departments in Montville. The purpose of this meeting was to present Chief Truex, as well as the other chiefs, with a proposition whereby the state would drop the charges against Frischling in exchange for the Chesterfield Fire Company, as well as the other Montville fire departments, implementing new duties and responsibilities regarding photography by fire department PIOs at incident scenes and social media postings regarding the same. Radford had prepared the substitute duties and responsibilities in written form for consideration by Chief Truex and others.

31. In so doing, Radford and Bowman revealed their ulterior motive for maintaining the unfounded prosecution against Frischling, but in so doing acknowledged that the Chesterfield Fire Company lawfully authorized and enumerated, among other things, the duties and responsibilities of the Chesterfield

Fire Company's PIO. This was an admission that there was no probable cause to maintain the prosecution against Frischling and that Radford was engaged in an outright abuse of process. Chief Truex and the other fire chiefs rejected the proposal from Radford and Bowman.

32. Bowman and Radford knew that the prosecution against Frischling lacked probable cause as evidenced by their attempt to salvage it through facilitating Frischling's arrest on other unfounded criminal charges. They sought to leverage those other unfounded charges against Frischling in hopes that he would agree to plead guilty to the bogus charges instigated by Radford. Their efforts failed—and the other unfounded charges that Bowman and Radford hoped to use as leverage against Frischling were promptly dropped in their entirety by the state's attorney's office.

33. On March 23, 2023, more than two years after his arrest and only after Frischling insisted on going to trial, a judge of the Connecticut Superior Court dismissed the charges against Frischling. The criminal proceedings, therefore, terminated in favor of Frischling.

34. As a direct and proximate result of the wrongful acts and omissions of as described herein, Frischling suffered the following injuries, losses, and damages:

- (a) he was required to make numerous appearances in the Connecticut Superior Court as an accused criminal;

(b) he was required to retain an attorney to defend himself against the false charges described herein;

(c) he was arrested on unrelated yet equally unfounded criminal charges as part of an unlawful scheme to pressure him into pleading guilty to the false charges described herein;

(c) he suffered a loss of enjoyment of life's activities;

(d) he lost opportunities to obtain gainful employment; and

(e) he suffered great mental and emotional pain, anguish and suffering, humiliation and embarrassment, emotional distress, reputational harm, and loss of dignity among his friends, family, and community.

### **CLAIMS FOR RELIEF**

**First Claim: False Arrest by Defendants Radford and Gosselin pursuant to 42 U.S.C. § 1983**

35. Frischling incorporates the foregoing paragraphs.

36. The conduct of Radford and Gosselin described above violated Frischling's clearly established right to be free from false arrest under the Constitution of the United States in that:

(a) Radford and Gosselin had Frischling arrested without consent and without probable cause, thereby unlawfully depriving Frischling of his liberty;

(b) Radford knowingly and deliberately, and with reckless disregard for the truth, procured the warrant for Frischling's arrest on the basis of false



statements, mischaracterizations, and omissions that were critical to any determination of probable cause;

(c) Upon reviewing the Warrant Application, Gosselin knew or should have known about Radford's false statements, mischaracterizations, and omissions therein, yet he recklessly disregarded the falsity of the statements and the material omissions in approving and signing the Warrant Application; and

(d) The subsequent criminal proceedings terminated in Frischling's favor.

37. Radford and Gosselin are therefore liable to Frischling for the injuries and damages Frischling sustained as a result.

**Second Claim: Failure to Intervene as to Gosselin pursuant to 42 U.S.C. § 1983**

38. Frischling incorporates the foregoing paragraphs.

39. On or before March 8, 2021, Gosselin was presented with evidence that Frischling was the Chesterfield Fire Company PIO and, furthermore, that Frischling was acting in performance of his duties at the Accident scene and in connection with the Facebook Post on February 7, 2021. In addition, Gosselin knew or should have known of Radford's false statements, mischaracterizations, distortions, and calculated omissions, as foresaid, in the Warrant Application.

40. Gosselin had a duty to prevent other law enforcement officers, including Radford, from violating the constitutional rights of Frischling. Gosselin

had a reasonable opportunity to prevent Radford from violating Frischling's rights, including without limitation the following:

(a) Gosselin failed to prevent Radford from making false statements of fact in the Warrant Application; and

(b) Gosselin failed to prevent Radford from suppressing exculpatory facts from the Warrant Application.

41. Instead, Gosselin approved and signed the Warrant Application, thereby allowing the false arrest and malicious prosecution against Frischling to proceed unabated. This was preventable harm that Gosselin had a realistic opportunity to prevent, particularly as the Resident State Trooper.

42. Gosselin is therefore liable to Frischling for the injuries and damages Frischling suffered as a result.

**Third Claim: Malicious Prosecution by Defendant Radford pursuant to 42 U.S.C. § 1983**

43. Frischling incorporates the foregoing paragraphs.

44. The conduct of Radford described above violated Frischling's clearly established right to be free from malicious prosecution under the Constitution of the United States in that:

(a) Radford initiated or procured the institution of criminal proceedings against Frischling;

(b) the criminal proceedings terminated in favor of Frischling;

(c) Radford lacked probable cause to initiate, procure, and/or maintain the criminal proceedings against Frischling;

(d) Radford acted with malice in that he was motivated by a personal dislike of Frischling and desired to denigrate Frischling in furtherance of a personal vendetta, as demonstrated by, among other things, his omission of exculpatory facts and evidence from the Warrant Application, his unprecedented authorization/direction to post Frischling's arrest summary on the Montville Police Facebook page, and his earlier inexplicable reaction and bizarre call for Frischling to be investigated due to a November 2020 Facebook post calling on members of the public to donate food to the needy during the holidays through the Montville Police Department.

45. Radford is therefore liable to Frischling for the injuries and damages that Frischling suffered as a result.

**Fourth Claim: False Arrest by Defendants Radford and Gosselin pursuant to Connecticut law**

46. Frischling incorporates the foregoing paragraphs.

47. Radford and Gosselin unlawfully restrained the plaintiff without probable cause, and the underlying criminal proceedings that resulted were terminated in Frischling's favor.

48. Radford and Gosselin are therefore liable to Frischling for the injuries and damages that Frischling suffered as a result.

**Fifth Claim: Malicious Prosecution by Defendant Radford pursuant to Connecticut law**

49. Frischling incorporates the foregoing paragraphs.

50. Radford initiated or procured the initiation of a criminal prosecution against Frischling with malice for a purpose other than bringing Frischling to justice. Radford did so without probable cause and the criminal proceeding terminated in Frischling's favor.

51. Radford is therefore liable to Frischling for the injuries and damages that Frischling suffered as a result.

**Sixth Claim: Abuse of Process by Defendant Radford pursuant to Connecticut law**

52. Frischling incorporates the foregoing paragraphs.

53. Radford initiated or procured the institution of criminal proceedings against Frischling.

54. Radford used the criminal proceedings primarily to obtain a wrongful purpose for which the proceedings were not designed, to wit, (a) to use them as leverage in subsequent demands made upon the Chesterfield Fire Company to implementing new PIO duties and responsibilities regarding photography at incident scenes and social media postings regarding the same; and/or (b) to otherwise retaliate against Frischling for the November 2020 Facebook post inviting members of the public to donate food during the holidays through the Montville Police Department.

55. Radford is therefore liable to Frischling for injuries and damages that Frischling suffered as a result.

**Seventh Claim: Intentional Infliction of Emotional Distress by Defendant Radford pursuant to Connecticut law**

56. Frischling incorporates the foregoing paragraphs.

57. Radford knew and intended to inflict severe emotional distress upon Frischling when, among other conduct set forth herein, Radford commenced an unfounded criminal investigation against Frischling solely because he held Frischling in personal contempt, when he obtained a warrant for Frischling's arrest based upon lies and omissions, and by otherwise refusing to disclose his wrongdoing thereafter, resulting in Frischling's wrongful arrest and protracted malicious prosecution;

58. Radford's conduct was extreme and outrageous. Radford, who had been a police officer for over twenty years, knowingly made false statements of fact under oath and knowingly omitted material facts from an application for a warrant to arrest Frischling. He did so in order to deprive Frischling of his liberty, to denigrate Frischling, and to compel the Chesterfield Fire Company to change its policies, all to advance an unlawful and ulterior agenda and otherwise because he disliked and sought to unlawfully retaliate against Frischling.

59. Frischling suffered severe and extreme emotional distress, which was reasonable and foreseeable in light of Radford's outrageous conduct.

60. Radford is therefore liable to Frischling for the injuries and damages Frischling suffered as a result.

**Eighth Claim: Direct Action as to Town of Montville pursuant to Conn. Gen. Stat. § 52-557n**

61. Frischling incorporates the foregoing paragraphs.

62. Radford was a police officer acting in the performance of his duties within the scope of his employment with the Defendant Town of Montville under color of law.

63. Radford owed Frischling a duty to exercise reasonable care in carrying out his so-called criminal investigation, to reasonably pursue and disclose exculpatory evidence, to refrain from fabricating evidence, to refrain from abusing his authority and power as a law enforcement officer, to refrain from abusing legal process, and/or to intervene to prevent law enforcement officers/officials from engaging in such misconduct.

64. Radford breached these duties by his conduct as set forth above.

65. Even to the extent that Radford was performing discretionary functions, he disregarded the risk of imminent harm to Frischling, an identifiable person.

66. In addition, or in the alternative, Radford's conduct involved malice, malicious intent to vex or trouble, and/or intent to injure, as aforesaid.

67. As a direct and proximate result of Radford's conduct, Frischling suffered injuries and damages for which the Defendant, Town of Montville, is liable under CONN. GEN. STAT. § 52-557n.

### **Prayer for Relief**

WHEREFORE, Frischling seeks judgment:

- A. Declaring that Defendants' conduct as described herein violated Plaintiff's rights under the Constitution of the United States;
- B. Money damages.
- C. Punitive Damages;
- D. Attorney's fees pursuant to 42 U.S.C. § 1988 and/or any other applicable authority;
- E. Costs; and
- F. Such other and further relief that may appertain.

**DEMAND FOR TRIAL BY JURY**

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff respectfully demands a trial by jury on any and all issues which are triable as of right by jury.

**Respectfully submitted,**

**THE PLAINTIFF,**  
STEVEN FRISCHLING

Dated February 13, 2024  
New Haven, Connecticut

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