

Sean J. Riddell OSB#013943
sean.riddell@live.com
Attorney At Law
4411 NE TILLAMOOK ST.
Portland, OR 97213
971-219-8453
Attorney for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

Portland Division

BRENT RITCHIE,)	Case No. 3:17-cv-844
)	
Plaintiff,)	COMPLAINT
vs.)	(Civil Rights 1st Amendment/14 th Amendment
)	violations; Whistleblower Retaliation)
MULTNOMAH COUNTY SHERIFF DANIEL)	
STATON; by and through the MULTNOMAH)	42 U.S.C. § 1983
COUNTY SHERIFF'S OFFICE, a political)	ORS 659A.200(1)(b)(A) and (B)
subdivision of MULTNOMAH COUNTY,)	
OREGON)	Damages at least \$1,000,000.00 or an amount
)	to be proven at trial
Defendants.)	
)	Jury Trial Demanded
)	
)	
)	
)	
)	
)	

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, by and through his attorney, Sean J. Riddell, bring this Complaint herein and
state and allege as follows:

///

Sean J. Riddell
Attorney at Law
1300 SE Stark St., Suite 208
Portland OR, 97213
971/219-8453

INTRODUCTORY STATEMENT

1.

This action is filed by Plaintiff under 42 U.S.C. § 1983 and ORS 659A.200 for events from January 1, 2015 – November 20, 2015, alleging denial of; freedom of speech in violation of the First and Fourteenth Amendments of the United States Constitution, and violations of state whistleblower protections ORS 659A.200(1)(b)(A) and (B).

2.

This court has jurisdiction over Plaintiff's claims of violations of Federal Constitutional Rights under 28 U.S.C. §§ 1331 and 1343.

3.

Venue is proper under 28 U.S.C. § 1391(b), in that one or more of the defendants reside in the District of Oregon and plaintiff's claims for relief arose in this district.

PARTIES

4.

At all material times Plaintiff ("Plaintiff") is a resident of Beaverton, Oregon and employed in Multnomah County, Oregon.

5.

At all material times, DANIEL STATON ("Defendant Staton") was the elected Sheriff of Multnomah County, Oregon. Defendant Staton was working under the color of law on behalf of the Multnomah County Sheriff's Office ("MCSO"), an agency of Multnomah County, Oregon ("County"). Defendant Staton is a final policy maker for MCSO. Defendant Staton is sued in his individual capacity.

Sean J. Riddell
Attorney at Law
1300 SE Stark St., Suite 208
Portland OR, 97213
971/219-8453

6.

At all material times, MCSO was a political subdivision of Multnomah County, Oregon. Defendant Multnomah County is a suable person under 42 U.S.C. § 1983. At all times relevant to this Complaint, MCSO and Defendant County, employed Defendant Staton. At all times relevant to this Complaint Defendant Staton was acting pursuant to Defendant MCSO's and Defendant County's laws, customs, and/or policies. As the employer of Defendant Staton, Multnomah County is vicariously liable for all the tortuous and unconstitutional acts and omissions of the defendants committed within the course and scope of his employment, pursuant to ORS 30.265. Multnomah County was and is a Public Employer under 659A.200(3).

7.

At all times relevant plaintiff was a public employee pursuant to ORS 659A.200(2).

8.

ORS 659A.203(1)(b)(A) and (B) states, in relevant part, it is an unlawful employment practice for any public employer to:

Prohibit any employee from disclosing, or take or threaten to take disciplinary action against an employee for the disclosure of any information that the employee reasonably believes is evidence of:

- (A) A violation of any federal or state law, rule or regulation by the state, agency or political subdivision;*
- (B) Mismanagement, gross waste of funds or abuse of authority or substantial and specific danger to public health and safety resulting from action of the state, agency or political subdivision;*

9.

All Defendants acted under color of law at all times relevant to this Complaint.

///

Sean J. Riddell
Attorney at Law
1300 SE Stark St., Suite 208
Portland OR, 97213
971/219-8453

10.

Plaintiffs are entitled to an award of attorneys' fees and costs, pursuant to 42 U.S.C. § 1988.

FACTUAL ALLEGATIONS

11.

Plaintiff began his law enforcement career in 1990 when he graduated from the Oregon Department of Public Safety Standards and Training Basic Corrections Course ("DPSST"). He went on to graduate from DPSST's Basic Police Course in April of 1991.

12.

Defendant Staton is the elected Sheriff for Multnomah County. The Multnomah County Sheriff is an employee of Multnomah County.

13.

Plaintiff began his career with the Multnomah County Sheriff's Office (MCSO) in July of 1990. While employed with the MCSO he served in the following billets: Operations Lieutenant; Public Information Officer; Internal Affairs Sergeant, Supervisor of the Motorcycle and Traffic Unit, Training Unit Deputy, Patrol Deputy and Patrol Sergeant; River Patrol Deputy; and my career culminated as the Executive Assistant to Sheriff Dan Staton. While serving as Sheriff Staton's Executive Assistant, he worked daily with Sheriff Staton and completed several special projects on behalf of Sheriff Staton.

14.

In early 2015, plaintiff began a Use of Force Audit modeled after similar investigations done by the U.S. Department of Justice (USDOJ). The purpose of the audit was to:

Sean J. Riddell
Attorney at Law
1300 SE Stark St., Suite 208
Portland OR, 97213
971/219-8453

1. Analyze current use of force trends for the MCSO Enforcement and Corrections Divisions as they related to risks of excessive use of force and racial disparities;
2. Identify potential risks using USDOJ criteria;
3. Identify gaps in data reporting, and
4. If necessary, make recommendations for improvement, if necessary.

Plaintiff enlisted the assistance of Dr. Shea Marshman and Ms. Amanda Lamb to complete the project. The team completed the initial summary of the project in August of 2015.

15.

Plaintiff presented a draft of the final report to Sheriff Staton on August 26, 2015 at 1230pm in a meeting with Mr. Harry Smith. Mr. Smith left the meeting after 15-20 minutes. Plaintiff remained and went over the details of the Use of Force Audit. The draft Use of Force Audit found, in relevant part, that “black inmates are involved in use of force incidents within the jails at a higher rate than other inmates.” The draft report also found, in relevant part, “that black inmates involved in use of force incidents where OC and Tasers are used, is also at a higher rate than other inmates.”

16.

The factual findings in the report support assertions that the Multnomah County Sheriff’s Office targets African American inmates, violates the civil rights of African American inmates and violate the State and Federal Constitutional rights of African American inmates. I explained the possible law violations to Sheriff Staton during our August meeting.

///

///

Sean J. Riddell
Attorney at Law
1300 SE Stark St., Suite 208
Portland OR, 97213
971/219-8453

17.

The day after presenting the draft report to Sheriff Staton, plaintiff was demoted from the Sheriff's Executive Assistant to Sergeant and plaintiff's office was moved from the Multnomah County Building to the Hansen Building in East Portland. Plaintiff was stripped of his job duties and most responsibilities. Sheriff Staton immediately ostracized plaintiff, stripped plaintiff of his position as the Sheriff's liaison with the County Commissioners, and the Budget Office. Sheriff Staton also directed plaintiff to not speak with any County Commissioners or their staffs. Plaintiff spent the rest of his time employed asking Commander Gates, Captain Reiser, and Mr. Alexander for any duties/projects they needed help with.

18.

A few weeks into his move to the Hansen Building, it was very obvious to plaintiff that Sheriff Staton and his executive team had no interest in his career advancement or well-being. Furthermore, it appeared Ms. Lamb's termination was associated with her work on the Use of Force Audit. Plaintiff feared that his involvement in the Use of Force Audit ended his career at the MCSO. He became depressed and sought medical treatment. It soon became obvious to plaintiff that Sheriff Staton would not assign him any responsibilities. Plaintiff concluded that Sheriff Staton would leave him at the Hanson Building or other undesirable locations until he retired or resigned. Faced with no other options, plaintiff retired on November 20, 2015 when originally planned on retiring December 20, 2019.

19.

On February 25, 2016, plaintiff mailed the appropriate Tort Claim Notice in compliance with ORS 30.275.

Sean J. Riddell
Attorney at Law
1300 SE Stark St., Suite 208
Portland OR, 97213
971/219-8453

20.

On or about February 29, 2016 plaintiff filed a complaint with the Oregon Bureau of Labor and Industry, alleging a violations of Oregon Whistleblower statute ORS 659A.200(1)(b)(A) and (B).

21.

On or about March 2, 2017 plaintiff received notice from Oregon BOLI that his case was closed and he had 90 days to file suit.

FIRST CLAIM FOR RELIEF:
Violation of Federal Constitutional Rights 42 U.S.C. § 1983
Count One: Violation of Right to Free Speech – Public Employee

22.

Plaintiff re-alleges all paragraphs previously alleged.

23.

Plaintiff's research, authoring and presentation of the 2015 Multnomah County Sheriff Office's Use of Force report is a protected act under the 1st and 14th Amendment.

24.

The Use of Force Audit is a matter of public concern.

25.

Plaintiff's research, authoring and presentation of the 2015 Multnomah County Sheriff Office's Use of Force report was a motivating factor for one or more of the following retaliatory actions: Defendant Staton's demotion of plaintiff from Acting Lieutenant to Sergeant; Defendant Staton's decision to strip plaintiff of all responsibilities as a Sergeant; Defendant Staton's ostracism of plaintiff; and Defendant Staton's direction that plaintiff no longer communicate with the Multnomah County Commissioners.

Sean J. Riddell
Attorney at Law
1300 SE Stark St., Suite 208
Portland OR, 97213
971/219-8453

26.

As a result of the above-described actions, plaintiff has suffered damages totaling at least \$1 million, including lost wages and benefits, lost economic potential, harm to reputation, emotional distress, and incurrence of attorney fees and other costs.

27.

Plaintiff has incurred attorney fees and costs in pursuing this claim.

28.

*Count Two: Denial of Rights Freedom of Speech
Local Governing Body Based Upon Official Policy, Practice, or Custom
(Multnomah County Sheriff's Office and Multnomah County)*

29.

Plaintiff re-alleges all previously alleged paragraphs.

30.

Defendant Staton's previously outlined retaliatory actions and policies constituted an unwarranted denial of plaintiff's free speech rights constitution rights

31.

Defendant Staton, as the elected Sheriff for Multnomah County, acted under color of law and in his official capacity at all times relevant to this complaint.

32.

At all times relevant, Defendant Staton was a final policy maker for the Multnomah County Sheriff's Office and Multnomah County. There is sufficient information and belief to allege that it was Defendant Staton's policy to harass, ostracize, demote and belittle individuals in the Multnomah County Sheriff's office if they reported unlawful or unconstitutional activities.

///

Sean J. Riddell
Attorney at Law
1300 SE Stark St., Suite 208
Portland OR, 97213
971/219-8453

33.

As a result of the above-described actions and policies, plaintiff has suffered damages totaling at least \$1 million, including lost wages and benefits, lost economic potential, harm to reputation, emotional distress, and incurrence of attorney fees and other costs.

34.

Plaintiff has incurred attorney fees and costs in pursuing this claim.

SECOND CLAIM FOR RELIEF
Unlawful Employment Practice/Public Employee Whistleblower
ORS 659A.200(1)(b)(A) and (B)

35.

Plaintiff has incurred attorney fees and costs in pursuing this claim.

36.

Plaintiff has satisfied the notice requirements of the Oregon Tort Claims Act.

37.

In violation of Oregon's Unlawful Employment Practices and Whistleblowing statutes, ORS 659A.203, Defendant Staton, Multnomah County and the County's agents retaliated against plaintiff because plaintiff researched, authored and presented a Use of Force audit that found the Multnomah County Sheriff's Office disproportionately used physical force against African American inmates while they were in the custody of the Multnomah County Sheriff's Office, in violation of the African American inmates' federal and state constitutional rights.

38.

Plaintiff's research, authoring and presentation of the 2015 Multnomah County Sheriff Office's Use of Force report was a motivating factor for one or more of the following retaliatory actions in violation of ORS 659A.200(1)(b)(A) and (B): Defendant Staton's demotion of

Sean J. Riddell
Attorney at Law
1300 SE Stark St., Suite 208
Portland OR, 97213
971/219-8453

plaintiff from Acting Lieutenant to Sergeant; Defendant Staton's decision to strip plaintiff of all responsibilities as a Sergeant; Defendant Staton's ostracism of plaintiff; and Defendant Staton's direction that plaintiff no longer communicate with the Multnomah County Commissioners.

39.

As a result of the Constitutional violations and Tortious acts listed in the above claims for relief, Plaintiff suffered mental and emotional distress, economic damages and lost of future income. The extent of Plaintiff's damages will be more fully proven at trial.

WHEREFORE Plaintiff pray as follows:

1. Finding that Defendants violated Plaintiff's constitutional right to Free Speech;
2. Judgment against Defendants for economic losses for at least \$10,000 a month from September 2015 to the present or an amount to be proven at trial;
3. Judgment against Defendants for non-economic losses to Plaintiff for the constitutional violations herein in the amount of at least \$1 million or an amount to be proven at trial;
4. Judgment against Defendants for deterrence damages in a fair and reasonable amount to be proven at trial; and
5. Judgment for costs, interests, attorney fees and such other and further relief as the Court deems just and equitable.

DATED this May 31, 2017

Respectfully submitted,
s/ Sean J. Riddell
Sean J. Riddell OSB 013493

Sean J. Riddell
Attorney at Law
1300 SE Stark St., Suite 208
Portland OR, 97213
971/219-8453