

PUBLIC SAFETY LABOR GROUP

VIA EMAIL

May 9, 2016

Chair Deborah Kafoury
Multnomah County
501 SE Hawthorne Blvd.
Portland, OR 97214

RE: DSA Complaint Against Sheriff Dan Staton

Dear Chair Kafoury:


I represent the Multnomah County Deputy Sheriff's Association (DSA), the labor organization representing the County's sworn law enforcement deputies and sergeants. Attached is a complaint by the DSA against Sheriff Dan Staton. Today, the DSA voted "no confidence" in the Sheriff. That vote, which is a testament to his failed leadership, is premised upon a pattern of misconduct that has taken the form of unprofessional conduct, threats of retaliation, conduct unbecoming, and official misconduct. We are filing this complaint with you with the hope that the Board of County Commissioners takes prompt action to investigate and remedy Sheriff Staton's actions.

The enclosed memorandum sets forth the details behind the DSA's complaint. Of particular concern to the DSA is the Sheriff's April 13, 2016, interaction with DSA President Matt Ferguson, during which Sheriff Staton with one hand attempted to influence the DSA's no-confidence vote by dangling a promotion in front of President Ferguson, while with the other hand threatened to retaliate and sue those who did not support him. While the Oregon Department of Justice has declined to pursue criminal charges against Sheriff Staton, the threshold for workplace misconduct is far lower than the bar for criminal misconduct, and we strongly believe that an administrative inquiry is necessary to determine if Sheriff Staton has violated County and Sheriff's Office workplace policies. Our community demands transparency and accountability in our Sheriff's Office, and the barometer for success as a member of the Sheriff's Office—let alone the agency's leader—must be higher than escaping an indictment.

The DSA and its members are keenly aware of the real possibility of retaliation by Sheriff Staton for coming forward with this complaint. As a result, I am writing on their behalf as their legal representative. I further note that in bring forth this complaint, the DSA and its members are engaging in protected free speech and protected union activities under Oregon's Public Employee Collective Bargaining Act.

Please contact me at your earliest convenience to further discuss this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'ASK', with a horizontal line extending from the end.

Anil S. Karia

Encl.

cc: Matt Ferguson, DSA President
Greg Vining, DSA Vice President
Jay Pentheny, DSA Secretary-Treasurer
Steve Herron, Multnomah County Labor Relations Director
Jenny Madkour, Multnomah County Attorney

5/9/2016

Deputy Sheriff's Association

Notice of Complaint re: Sheriff Staton

To Whom It May Concern,

In January of 2016 I was elected President of the Deputy Sheriff's Association, along with Greg Vining, Vice President, and Jay Pentheny, Treasurer/Secretary.

In early January 2016 I was summoned to a meeting with the Sheriff with the President for Local 88, and the President of the Corrections Deputy Association MCCA. During that meeting Sheriff Staton told us that the County Chair was making a "power play" for his job and was seeking to make the office of the Sheriff an appointed position by hand picking the Charter Review. The Sheriff stressed the Unions would need to present information to the Charter Review in support of maintaining an elected Sheriff. During that meeting the Sheriff suggested he had "files" on Charter Review members which led to a Department Of Justice investigation. The DSA learned after meeting with Multnomah County Chairwoman Deborah Kafoury, that she had made no such efforts to have an appointed Sheriff, nor did she have a hand in designating members of the Charter Review.

Shortly thereafter, the executive board of the DSA was again summoned to the Hansen Building by Sheriff Staton. Sheriff Staton informed the DSA that a female employee had filed a tort claim against the Sheriff for creating a hostile work environment. Sheriff Staton told the DSA the allegations were baseless and he would fight the tort claim. The following week Multnomah County settled the lawsuit which cost the Sheriff's Office \$300,000 in Sheriff's Office funds. Additionally, the tort claim stated Sheriff Staton made derogatory and embarrassing comments about elected officials in Multnomah County. The DSA met with some of those elected officials, who said their relationship with the Sheriff had been damaged. I met with the former Sheriff Bob Skipper who told me he met privately with Sheriff Staton, and encouraged him to resign. The DSA also learned from members of the Sheriff's Office command staff that they worked under the threat of firing and retaliation from the Sheriff.

The DSA Executive Board met with the Sheriff on March 8, 2016 to discuss the damage Sheriff Staton had caused. I told the Sheriff members of the DSA had discussed a vote of no confidence based on failed leadership from the hostile work environment lawsuit, and unpredictable and retaliatory behavior toward members of his command staff, preventing them from leading the agency effectively. When asked how his relationship is with his command team, the sheriff responded, that he didn't trust his command staff and "they have a job to do, and if they don't, they will be fired." When the DSA told the Sheriff his poor management and behavior were the reasons members were moving toward a no confidence vote, Sheriff Staton then told the DSA he would step down if the DSA asked. Sheriff Staton said dealing with the DSA was "worse than dealing with a bunch of criminals." Sheriff Staton also explained he planned to sue members of his command staff and the media once the lawsuits were over. Sheriff Staton asked for a follow-up meeting.

On 4/13/2016 I received a phone call from Sheriff Staton two hours prior to our general membership meeting where a possible no confidence vote was to be held. This phone call was witnessed by another DSA member. The Sheriff informed me that he had just promoted nearly all of his command staff and suggested I may benefit from a promotional opportunity. In the next breath, Sheriff Staton told me "Now I have the ability to retaliate" and he would "sue anyone who turns their back on me." I took these statements as a potential bribe to curry favor with the union, followed by a threat of retaliation if we proceeded with a no confidence vote. The Sheriff recalled his phone call differently in the media. This incident was investigated by Oregon DOJ. The DSA believes the current spate of command promotions will lead to inevitable staffing shortages.

On 4/23/16 the DSA Executive Board met with Sheriff Staton in a follow-up meeting. We told the Sheriff the members had moved toward a vote of no confidence and we were asking him to step down as Sheriff. We also addressed the issue that the Sheriff had made contradictory statements to the media. Sheriff Staton replied "I say a lot of things." The Sheriff told us any decision to resign was a personal decision and he would not share the details with the DSA. Sheriff Staton told us he knew we had decided to have a formal vote of no confidence and said he "didn't care." The DSA learned Sheriff Staton has changed his designee several times over the past month and was entertaining hiring officials from other agencies, whom the Sheriff was known to have contentious relationships. The DSA believes these attempted recruitments are being made by Sheriff Staton because he has lost the ability to work with his command staff. The Sheriff's final statement to the DSA was to "go ahead with your vote" but cautioned "you will be slapped in the face." When I asked what he meant the sheriff reminded the DSA yet again, he intended to sue people in the media and in the sheriff's office now that his lawsuits are over. The DSA learned the lawsuits are not over.

The overwhelming majority of the Multnomah County Deputy Sheriff's Association voted no confidence vote on May 9th 2016. As of today, Multnomah County has settled a lawsuit based on Sheriff's Staton's inappropriate behavior, Sheriff Staton has needlessly over promoted command staff, threatened retaliation, and made conflicting statements to the DSA and the media about issues he has caused. The DSA believes if one of our members acted in a similar manner, it would result in disciplinary action or loss of employment. This letter is meant to serve as a formal acknowledgement of the DSA decision to vote no confidence, and secondly to provide a means to file a formal complaint against Sheriff Staton to Multnomah County.

Sincerely



Matt Ferguson

President Multnomah



Greg Vining

Vice President



Jay Pentheny

Treasurer/Secretary

County Deputy Sheriff's Association