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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO

SHANIZ WEST, an individual,

Plaintiff,

vs.

CITY OF CALDWELL; CITY OF  
CALDWELL POLICE DEPARTMENT;  
FORMER CHIEF CHRIS ALLGOOD in  
his official and individual capacity;  
SERGEANT DOUG WINFIELD in his  
official and individual capacity;  
LIEUTENANT DEVIN RILEY in his  
official and individual capacity; and  
DOES I-X,

Defendants.

Case No.: 1:16-cv-359

**COMPLAINT AND DEMAND  
FOR JURY TRIAL**

COMES NOW Plaintiff, Shaniz West (“Ms. West”), by and through her counsel of record,  
and hereby complains and alleges as follows:

## **INTRODUCTION**

1. On August 11, 2014, after registering her child for first grade, Ms. West returned to her home to find multiple City of Caldwell police officers in her yard searching for a Fabian Salinas. Wanting to cooperate, and uncertain whether Salinas was in her house, Ms. West gave the police a key to her house and gave them permission to use it to enter her house to arrest him. During a ten hour long standoff, police repeatedly exceeded the authority Ms. West had given them, breaking windows, crashing through ceilings, and riddling the home with holes from shooting canisters of tear gas destroying most of Ms. West and her children's personal belongings. The only occupant of the house was Ms. West's dog. Ms. West's home remained uninhabitable for two months. By this Complaint, West seeks damages for deprivation of her constitutional and statutory right to be free from unlawful search and seizure, and for conversion.

## **JURISDICTION AND VENUE**

2. This Court has jurisdiction over the federal civil rights propounded herein pursuant to 28 U.S.C. §§ 1331 and 1343.

3. This Court has supplemental jurisdiction over the state law claims propounded herein pursuant to 28 U.S.C. § 1367(a).

4. On August 14, 2014, less than one hundred and eighty (180) days from the date Ms. West's claims arose, Ms. West complied with the Idaho Tort Claims Act ("ITCA"), Idaho Code §§ 6-901, *et. seq.*, by filing with the Caldwell City Clerk an administrative claim for damages against the above-captioned governmental entities and their employees. *See*, I.C. § 6-905. The governmental entities failed to approve or deny the claims within ninety (90) days of the claims being filed. *See*, I.C. § 6-909. Ms. West has complied with all procedural conditions to filing suit and now proceeds with this action.

5. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b) because Defendants are located in, and all incidents, events and occurrences giving rise to this action took place in, the City of Caldwell, Idaho.

### **PARTIES**

6. At all relevant times, Ms. West was a resident of Canyon County, Idaho.

7. Defendant City of Caldwell (the “City”) is a political subdivision of the state of Idaho.

8. Defendant Caldwell Police Department (the “Caldwell Police”) is a local governmental entity in the City of Caldwell, Canyon County, Idaho.

9. The City of Caldwell and the Caldwell Police Department are referred to collectively herein as the “Caldwell City Defendants.”

10. Defendant former Chief Chris Allgood (“Chief Allgood”) was Chief of the Caldwell Police on August 11, 2014, the date that is the subject of this lawsuit. Chief Allgood was the final decision making authority for all Caldwell City Defendants. Chief Allgood is a citizen of the State of Idaho.

11. Defendant Sergeant Doug Winfield (“Sgt. Winfield”) is the Caldwell Police SWAT Team Leader. Sergeant Winfield is a citizen of the State of Idaho.

12. Defendant Lieutenant Devin Riley (“Lieutenant Riley”) was Patrol Lieutenant of the Caldwell Police on August 11, 2014, the date that is the subject of this lawsuit. On February 3, 2016, Lieutenant Riley was promoted to Captain. Lieutenant Riley is a citizen of the State of Idaho.

13. Ms. West does not know the true names, but is informed and believes, and on that basis alleges, that the Defendants sued herein as Doe Officers I through X are in some manner legally culpable for the damages suffered by the Plaintiff. On such information and belief, Ms.

West alleges that the list of Doe Defendants I-X includes officers, agents and employees of the Caldwell Police involved in the August 14, 2014 stand-off, search and seizure that destroyed her home.

### **GENERAL ALLEGATIONS**

14. West is a citizen who rents a home located at 10674 Gossamer Street, in Nampa, Idaho. On August, 11, 2014, Ms. West was six (6) months pregnant and lived in the home with her two children, ages six (6) and eight (8) months.

15. On August 11, 2014, in the early afternoon, West's ex-boyfriend, Fabian Salinas ("Salinas"), came to her home to retrieve some of his personal effects.

16. Salinas was a wanted felon.

17. When Salinas arrived at Ms. West's home, she was preparing to leave to register her son for first grade. Ms. West instructed Salinas to gather his belongings (which were in boxes in the garage) and vacate her property before she returned. She left her home on foot with her two children.

18. Ms. West returned home at approximately 2:20 p.m. to find numerous Caldwell Police officers on her property.

19. Ms. West explained to the police officers that Salinas had been there to retrieve his belongings, that she told him to leave, and that she was unsure whether he was still in her house.

20. In an effort to cooperate with law enforcement officials, Ms. West gave an officer of the Caldwell Police the key to the front door and gave them consent to use it to enter the house and arrest Salinas if he were still there.

21. Ms. West gave the Caldwell Police no further consent at any time than that listed in Paragraph #20.

22. Ms. West then left her home.

23. For the next ten hours, Caldwell Police officers surrounded the home and engaged in a standoff, with the incorrect belief that Salinas was inside.

24. Ms. West's pet dog, Blue, was the only occupant of the home.

25. At approximately 3:00 p.m., the Caldwell Police Department SWAT team arrived on scene bringing with them an armored vehicle, which they parked in front of Ms. West's home.

26. During the course of the standoff, Caldwell Police officers broke numerous windows to gain entry, crashed through ceilings while they were maneuvering through the home, and punctured holes in the house by shooting canisters of tear gas that released noxious chemicals into the home.

27. When Ms. West was allowed to re-enter the home, she found the house destroyed. Her and her children's personal belongings were saturated with tear-gas and littered with debris from the walls and ceilings, and broken glass from the windows.

28. Ms. West—who was six months pregnant at the time—was left to clean up the wreckage by herself and it was two months before Ms. West and her children could reoccupy their home.

### **CAUSES OF ACTION**

#### **FIRST CLAIM FOR RELIEF**

##### **UNREASONABLE SEARCH**

(42 U.S.C. § 1983 – U.S. Const. Amend. IV)

[Against Caldwell City Defendants, Chief Allgood, Sgt. Winfield, Lt. Riley, Doe Officers I-X]

29. Ms. West hereby incorporates and re-alleges all previous paragraphs of this Complaint as if fully set forth herein.

30. Chief Allgood, Sergeant Winfield, Lieutenant Riley, the City of Caldwell Defendants, and Doe Officers I-X are persons as that term is used under 42 U.S.C. § 1983.

31. Chief Allgood, Sergeant Winfield, and Lieutenant Riley, in their individual capacity and as the final decision making authority on behalf of the Caldwell City Defendants, were acting under the color of law when engaging in the actions set forth in paragraphs 14-28 above.

32. Doe Officers I-X, in their individual capacity, were acting under the color of law when engaging in the actions set forth in paragraphs 14-28 above.

33. The acts described in paragraphs 14-28 above by Chief Allgood, Sergeant Winfield, Lieutenant Riley, the City of Caldwell Defendants, and Doe Officers I-X, deprived Ms. West of her right to be free from an unreasonable search under the United States Constitution.

34. A search of Ms. West's home was conducted, authorized, and/or directed by Doe Officers I-X, Sergeant Winfield, Lieutenant Riley, and Chief Allgood, in both their individual capacity and in their capacity as final policy maker for all Caldwell City Defendants.

35. The search of Ms. West's home was intentionally conducted by, or at the direction of, Doe Officers I-X, Sergeant Winfield, Lieutenant Riley, and Chief Allgood, in both their individual capacity and in their capacity as final policy maker for all Caldwell City Defendants.

36. The search of Ms. West's home by, or at the direction of, Doe Officers I-X, Sergeant Winfield, Lieutenant Riley, and Chief Allgood, in both their individual capacity and in their capacity as final policy maker for all Caldwell City Defendants, was unreasonable as it exceeded the scope of consent provided by Ms. West.

37. As a result of the unlawful search, Ms. West suffered damages in an amount to be determined at trial.

38. Additionally, due to the wanton and outrageous conduct of Defendants, and each of them, Ms. West asks that punitive damages be imposed against Defendants Chief Allgood, Sgt.

Winfield, Lt. Riley, Doe Officers I-X and the Caldwell City Defendants in amounts to be determined by the enlightened conscience of the jury.

**SECOND CLAIM FOR RELIEF**

**UNREASONABLE SEIZURE**

(42 U.S.C. § 1983 – U.S. Const. Amend. IV)

[Against Caldwell City Defendants, Chief Allgood, Sgt. Winfield, Lt. Riley, Doe Officers I-X]

39. Ms. West hereby incorporates and re-alleges all previous paragraphs of this Complaint as if fully set forth herein.

40. Chief Allgood, Sergeant Winfield, Lieutenant Riley, the City of Caldwell Defendants, and Doe Officers I-X are persons as that term is used under 42 U.S.C. § 1983.

41. Chief Allgood, Sergeant Winfield, and Lieutenant Riley, in their individual capacity and as the final decision making authority on behalf of the Caldwell City Defendants, were acting under the color of law when engaging in the actions set forth in paragraphs 14-28 above.

42. Doe Officers I-X, in their individual capacity, were acting under the color of law when engaging in the actions set forth in paragraphs 14-28 above.

43. The acts described in paragraphs 14-28 above by Chief Allgood, Sergeant Winfield, Lieutenant Riley, the City of Caldwell Defendants, and Doe Officers I-X, deprived Ms. West of her right to be free from an unreasonable seizure under the United States Constitution.

44. Ms. West's property, including but not limited to her and her children's personal belongings, were seized when they were damaged due to the actions of Doe Officers I-X, Sergeant Winfield, Lieutenant Riley, and Chief Allgood, in both their individual capacity and in their capacity as final policy maker for all Caldwell City Defendants.

45. In seizing Ms. West's property Doe Officers I-X, Sergeant Winfield, Lieutenant Riley, and Chief Allgood, in both their individual capacity and in their capacity as final policy maker for all Caldwell City Defendants, acted intentionally.

46. The seizure of Ms. West's property by, or at the direction of, Doe Officers I-X, Sergeant Winfield, Lieutenant Riley, and Chief Allgood, in both their individual capacity and in their capacity as final policy maker for all Caldwell City Defendants, was unreasonable as Ms. West did not consent to the seizure of her property.

47. As a result of the unlawful seizure of Ms. West's home, she sustained unnecessary and significant damage, such that she lost the use of her home for two months, and had to find shelter among friends and family. Her and her children's personal belongings were destroyed, and her son was displaced from his intended first grade school.

48. West's damages from such conduct included, but are not necessarily limited to, lost use of her home, the cost of repairing and replacing her damaged personal property, and general damages for pain, suffering, and emotional distress in an amount to be determined at trial.

49. Additionally, due to the wanton and outrageous conduct of Defendants, and each of them, West asks that punitive damages be imposed against Defendants Chief Allgood, Sgt. Winfield, Lt. Riley, Doe Officers I-X, and the Caldwell City Defendants in amounts to be determined by the enlightened conscience of the jury.

### **THIRD CLAIM FOR RELIEF**

#### **CONVERSION**

(State law)

[Against Chief Allgood, Sergeant Winfield, Lt. Riley, Doe Officers I-X]

50. Ms. West hereby incorporates and re-alleges all previous paragraphs of this Complaint as if fully set forth herein.



51. In destroying Ms. West's personal property, Defendants Chief Allgood, Sgt. Winfield, Lt. Riley and Doe Officers I-X wrongfully exercised a distinct act of dominion over her property inconsistent with her rights.

52. In destroying Ms. West's personal property, Defendants Chief Allgood, Sgt. Winfield, Lt. Riley and Doe Officers I-X deprived her of possession thereof.

53. Additionally, due to the wanton and outrageous conduct of Defendants, and each of them, Ms. West asks that punitive damages be imposed against Defendants former Chief Allgood, Sgt. Winfield, Lt. Riley, Doe Officers I-X, and the Caldwell City Defendants in amounts to be determined by the enlightened conscience of the jury.

#### **COSTS AND ATTORNEY FEES**

Ms. West's claims arise from violations of 42 U.S.C. § 1983. As an action to enforce this provision and vindicate a violation of civil rights, Ms. West is entitled to an award of reasonable costs of suit and attorney fees in an amount deemed reasonable by this Court pursuant to 42 U.S.C. § 1988 in the event she is the prevailing party.

Ms. West's claims arise from allegations that a state agency or political subdivision and/or individual employees acting in their official capacity on behalf of a state agency or political subdivision acted without a reasonable basis in fact or law. Therefore, Ms. West is entitled to reasonable costs of suit and attorney fees in an amount deemed reasonable by this Court pursuant to Idaho Code § 12-117 in the event she is the prevailing party on any portion of this case.

#### **DEMAND FOR JURY TRIAL**

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Ms. West hereby demands a trial by jury on all issues properly tried by a jury in the above-entitled matter.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays for judgment against the Defendants as follows:

- a. For general damages in an amount to be proven at trial;
- b. For special damages in an amount to be proven at trial;
- c. That punitive damages be imposed against Defendants in their organizational and individual capacities according to proof and in an amount to be determined by the enlightened conscience of the jury;
- d. For costs of suit, including reasonable attorneys' fees, which amount shall be twenty-five thousand dollars (\$25,000.00) should this matter be uncontested; and
- e. For such other and further relief as this Court deems just and equitable.

DATED this 9th day of August, 2016.

FISHER RAINEY HUDSON

/s/ Vaughn Fisher  
Vaughn Fisher – Of the Firm  
Attorney for Plaintiff