

Scott McKee
2157 Eastwood Lane
Eugene, Oregon 97401
Detectivemckee@gmail.com

SENT BY CERTIFIED MAIL, & EMAIL

Birthday of Martin Luther King Jr. January 18, 2021

Chaim Hertz, Director
Human Resources & Risk Services
City of Springfield
255 5th Street
Springfield, OR 97477

Mary Bridget Smith, Attorney
City Attorney's Office
225 Fifth Street
Springfield, OR 97477

Re: Notice of Claim for Damages / Scott McKee

Dear Sirs/Madams:

Pursuant to ORS 30.275, and for all purposes related to ORS 30.260 to 30.300, this letter is notice of tort claims for damages against the public agency Springfield Police Department (SPD) and its agents to include; Human Resources Director Chaim Hertz and Chief of Police Richard Lewis and the City of Springfield in connection with Scott McKee. Additionally, the Springfield Police Department and it's agents have engaged in reckless disregard for Scott McKee's Federal and State rights, including but not limited to, Scott McKee's Constitutional rights pursuant to the First and Fourteenth Amendments, statutory rights pursuant to ORS 659A.199, ORS 659A.203, ORS 659A.230, ORS 659A.030(a), (b), and (f); and his common law rights through tortious violations, including harm to reputation, and intentional interference with economic relations. Due to these actions, claims for damages will be asserted against the City of Springfield, it's agents and public officials acting in their official and individual capacity.

Date of Incident:

On September 11, 2020, following his employment with the City of Springfield as a police lieutenant, Scott McKee discovered a racial epithet permanently penned to the back of a framed lithograph image of Dr. Martin Luther King Jr. on the steps of the Lincoln Memorial in Washington, D.C. as he delivered his famed "I have a Dream" speech on August 28, 1963. This framed lithograph had been last seen by Scott McKee as it hung on his office wall within the Investigations Services Division at the Springfield Police Department within the secure walls of the Springfield Justice Center in December of 2018. The discovery of this hate message is the culmination of a continuous pattern of harassment, retaliation, and discrimination by individual

employees within the Springfield Police Department targeting Scott McKee both as an employee and private citizen.

Location:

Springfield Police Department, 230 4th St., Springfield, Oregon 97477
And 2157 Eastwood Lane, Eugene, Oregon 97401.

Circumstances:

As a result of SPD and its agents' unlawful, discriminatory and retaliatory actions, Scott McKee's state and federal statutory, constitutional and common law rights have been violated. Scott McKee's claims include, but are not necessarily limited to, (1) retaliation against him for his participation in internal affairs investigation(s) during his former employment with the City of Springfield; (2) discriminatory harassment and retaliation because of his employment related good faith participation in reporting to the United States Department of Justice an employee generated complaint against current Springfield police officers for alleged coverup and malfeasance pertaining to the Springfield Police Department investigation of the 2017 murder of Steven Ray Scott in Springfield; (3) discriminatory harassment and retaliation based upon his good faith investigations and reporting of misconduct, coverup and malfeasance involving current and former Springfield Police officers during his former employment with the City of Springfield; (4) retaliation for whistleblower reporting what he believed in good faith were acts of discrimination, criminal behavior, harassment, and/or retaliation to the United States Department of Justice during his employment with the City of Springfield; (5) retaliation for reporting what he believed in good faith were unlawful and unconstitutional acts by police personnel against Springfield citizens during the course of his former employment with the City of Springfield; (6) retaliation for his outspoken support of internal investigations, especially those generated by citizen complaint and his criticism of Chief Lewis when he failed to investigate known or suspected internal misconduct or criminal acts during the course of his former employment with the City of Springfield ; and (7) retaliation by failing to take corrective and protective action against employees who retaliated and engaged in defamation, libelous and slanderous activities against Scott McKee because of his good faith performance of protected job related activities during the course of his former employment with the City of Springfield; and (8) retaliation by interfering with good faith discussions between Scott McKee and the City of Springfield pursuant his eventual separation from employment with the City of Springfield on September 3 , 2020.

The following summarizes the circumstances underlying the foregoing claims:

1. Since November of 2019, during the course of his former employment as a police lieutenant with the City of Springfield, Scott McKee engaged in good faith employment separation discussions with the City of Springfield. The City of Springfield proposed this separation from employment after a third-party investigator, hired by the City of Springfield, exonerated Scott McKee of any fault or wrong-doing pertaining to a litany of false allegations of misconduct. These false allegations were initiated by Springfield Police Department employees and were formalized by Chief Richard Lewis.
2. On or about February 15, 2020, a Springfield Police Department employee, fearing internal employment reprisals, contacted Scott McKee (who was still employed as a police lieutenant) at home and informed him of malfeasance and coverup concerns pertaining to the September 3, 2017 murder by blunt-force trauma of Steven Ray Scott, age 51 of Springfield. Specifically, the reporting employee told Scott McKee they were involved or otherwise aware of the initial emergency response to the scene of the Steven Scott Murder in Springfield and later learned the two people initially arrested by Springfield police in connection with the murder had been released by the Lane County District Attorney in a rare motion before the Lane County Circuit Court following unusual discoveries during an autopsy performed upon Steven Scott on September 8, 2017. This autopsy was attended by Springfield Police Department personnel, who witnessed these unusual discoveries.
3. The reporting employee told Scott McKee the discoveries at autopsy included the revelation of a "baseball sized" mass of snarled and tangled endogastric tubing in the back of Steven Scott's throat. This the apparent unintentional result of the erroneous placement of this tubing during life-saving efforts by Eugene/Springfield EMS personnel during an in-field intubation procedure at the scene of the assault. This mass of endogastric tubing was described as being of size and proximity to have caused death by asphyxia to Steven Scott.
4. The employee told Scott McKee he found only benign and very cursory mention of this significant unusual discovery at autopsy within the 68 plus pages of police reports prepared by Springfield Police Department investigators regarding the investigation of the Steven Scott murder. Moreover, the employee told Scott McKee they found no photographs of the mass of endogastric tubing discovered, X-ray imaged and photographed by police and medical examiner personnel at autopsy while it lay tangled within the posterior throat-cavity of the decedent, Steven Scott, in any of the police files the employee reviewed.

5. The employee shared speculative concerns that no criminal charges had subsequently been filed since the murder in 2017 due to the fact that Steven Scott is homeless, meth addicted and has no apparent family or next-of-kin. The employee shared similar speculative concerns that Chief Lewis and his brother, Sergeant David Lewis, in collaboration with the Lane County District Attorney, had not moved forward in charging the known suspects in the Steven Scott murder investigation due to wrongful death trepidations concerning the erroneous medical intervention by Eugene/Springfield EMS personnel should any family of Steven Scott learn of the intubation Problem.
6. On March 9, 2020, Scott McKee made a whistleblower report to the United States Department of Justice pertaining to the Steven Scott murder investigation and the concerns shared to him by the anonymous employee source regarding the murder and alleged coverup.
7. On or about Wednesday, August 19, 2020 at approximately 11:00 a.m., pursuant ongoing separation discussions, Mary Bridget Smith, General Counsel for the City of Springfield, contacted McKee's lawyer, Randy Harvey to urgently request that Scott McKee provide a monetary and benefits counter-offer to the City's existing offer. Scott McKee provided the requested counter-offer in good faith that morning.
8. Later that same evening, Wednesday, August 19, 2020 at approximately 8:00 p.m., Scott McKee received a text message from a friendly Springfield Police Department employee asking, "Did you sic KEZI on us regarding Steven Scott?" In subsequent text messages the employee told McKee that a management level police employee was "pissed off" at McKee about the internal police perception that he was involved in speaking with KEZI 9 News about an exclusive Special Report this news station was doing on the three-year anniversary of Steven Scott's unresolved and unpunished murder, and warning that Scott McKee was "losing a lot of his fan base at SPD."
9. On or about Tuesday, August 25, 2020, Scott McKee received a telephone call from his attorney telling him that in an unusual development, Mary Bridget Smith, who had initiated the urgent request that Lieutenant McKee provide a monetary and benefits counter-offer pursuant resolution of the City proposed separation from his position, had summarily dismissed his good-faith counter-offer with no modification to the City's previous offer whatsoever.
10. On Wednesday, August 26, 2020, Scott McKee authored an email to Springfield City Manager, Nancy Newton. Scott McKee notified the City Manager of his concerns regarding these "Ongoing workplace hostilities" and the suspicious timing of the spoken management level hostilities and the summary dismissal of his requested

counter-offer. Scott McKee shared his opinion that this development was nonsensical from a good-faith negotiations perspective. McKee noted his opinion that an employer would not request a counter-offer during such discussions unless the employer was attempting to create a resolution in good-faith. However, it is intuitive to Scott McKee that management level discussions such as those confided to Scott McKee by the friendly employee about a manager being “pissed” at Scott McKee would have certainly involved Chief Richard Lewis. It is our contention that Chief Lewis was consulted by Ms. Mary Bridget Smith pertaining to the counter-offer and that Chief Lewis summarily dismissed the counter-offer because of the shared management-level hostility over the Steven Scott news story.

11. On September 3, 2020, Scott McKee agreed to separate employment with the City of Springfield.
12. On September 11, 2020 a police employee delivered Scott McKee’s personal effects, which had been collected and boxed from his office at the Springfield Justice Center by police employee(s). These items had been stored inside McKee’s office in the Investigations Services Division at the Springfield Justice Center since December of 2018.
13. On September 11, 2020 at about 7:45 p.m., Scott McKee inadvertently discovered the racial epithet, “Lt. WiGGER” penned in permanent ink to the back of his personal framed black and white lithograph image of Dr. Martin Luther King Jr., an image from Dr. King’s famed “I have a dream” speech delivered from the steps of the Lincoln Memorial in Washington, D.C. on August 28, 1963. This personal property had been last seen by Lieutenant McKee hanging upon his office wall inside the Investigations Services Division within the Springfield Justice Center in December, 2018.
14. According to Wikipedia, the word “Wigger” is a term used in a racist manner by the white culture, not only belittling a person perceived as "acting black", but also demeaning black people and culture, by association.
15. Scott McKee is a whistleblower who carried employee grievances and concerns in good-faith to the United States Department of Justice. Some of these concerns involved alleged coverup and corruption in the Springfield Police Department and Lane County District Attorney investigation of the 2017 homicide death of Steven Ray Scott, a homeless black man. At various times throughout his employment with the City of Springfield, Scott McKee opposed Chief Lewis, the City of Springfield and its agents on matters of misconduct and corruption. At various points Scott McKee has shone a light upon, raised concerns about and objected to unlawful

- behavior, misdeeds, corruption and workplace violence and harassment. Scott McKee asserted his rights to oppose unlawful behavior and in compliance with City of Springfield policy, he carried employee concerns of police corruption to the United States Department of Justice on behalf of a subordinate employee whose stated fears of reprisals motivated said employee to report these concerns to Scott McKee as a trustworthy management employee. The placement of the referenced bigoted message of hate upon this American symbol of truth and justice has caused anguish, public insult and injury to Scott McKee and his ethnically blended family.
16. On May 29, 2019, while still employed with the Springfield Police Department, Scott McKee made formal written complaint of a Hostile Work Environment to Springfield Human Resources Director Chaim Hertz and Chief Richard Lewis. Among the behaviors which were the basis of this written complaint were the creation and placement of a racially charged printed Meme image inside McKee's office in September of 2018 by Springfield police officer Robert Weaver, a police employee with a documented disciplinary history of suspension from duty for sustained misuse of City equipment for personal use. This incident was an opportunity for the HR Director and the Chief of Police to make progressive discipline and set internal boundaries for such conduct. However, these executive representatives of the City of Springfield did not conduct an investigation concerning the Hostile Work Environment complaint. In fact, instead, these executives accused McKee of creating liability for the City.
 17. The City of Springfield and its agents are aware of the ethnically blended nature of Scott McKee's family. Chief Lewis conducted Scott McKee's pre-employment background investigation and is aware, among other ethnic family traits, that Scott McKee's stepmother and stepsister, while estranged, are African American, and that his wife and children are ethnically blended. As such, Chief Lewis should have known Scott McKee's genuine sensitivities concerning ethnicity and the impact of the placement of the racially charged Meme inside his office upon he and his family.
 18. On August 7, 2020, Scott McKee made official written and oral complaint to Springfield City Manager Nancy Newton concerning the history of ongoing tortuous employee activities and conduct by the public agency Springfield Police Department (SPD) and its agents to include; Human Resources Director Chaim Hertz and Chief of Police Richard Lewis, Officer Robert Weaver and the City of Springfield in connection with the employment of Scott McKee. McKee advised Ms. Newton that the Springfield Police Department and its agents have engaged in reckless disregard for McKee's Federal and State rights, including but not limited to, Scott McKee's Constitutional rights pursuant to the First and Fourteenth Amendments, statutory

rights pursuant to ORS 659A.199, ORS 659A.203, ORS 659A.230, ORS 659A.030(a), (b), and (f); and his common law rights through tortious violations, including harm to his reputation, and intentional interference with economic relations; including (1) post-employment retaliation against him for his participation in internal affairs investigations during the course of his employment with the City of Springfield; (2) discriminatory harassment and retaliation because of his employment related good faith participation in reporting to the United States Department of Justice an employee generated complaint against current Springfield police officers for alleged coverup and malfeasance pertaining to the Springfield Police Department, Chief Lewis and other agents of the City; (3) discriminatory harassment and retaliation based upon his good faith investigations and reporting of misconduct, coverup and malfeasance involving current and former Springfield Police officers; (4) retaliation for whistleblower reporting what Scott McKee believed in good faith were acts of discrimination, criminal behavior, harassment, and/or retaliation to the United States Department of Justice; (5) retaliation for reporting what he believed in good faith were unlawful and unconstitutional acts by police personnel against Springfield citizens; (6) retaliation for his outspoken support of internal investigations, especially those generated by citizen complaint and his criticism of Chief Lewis when he failed to investigate known or suspected internal misconduct or criminal acts; and (7) retaliation by Chief Richard Lewis and Human Resources Director, Chaim Hertz by failing to take corrective and protective action against employees who they knew retaliated and engaged in defamation, libelous, slanderous and racially charged activities against Lieutenant McKee because of his good faith performance of protected job related activities; and (8) retaliation by Chief Richard Lewis by interfering with good faith discussions between Lieutenant McKee and the City of Springfield pursuant his eventual separation from employment with the City of Springfield on September 3, 2020.

19. On August 26, 2020, Scott McKee made official written complaint to Springfield City Manager Nancy Newton regarding his concern that management-level employee(s) had expressed outspoken hostility toward him over his rumored good-faith whistleblower reporting to the United States Department of Justice and his rumored participation in a local KEZI 9 News Special Report concerning the 2017 Springfield homicide death of Steven Ray Scott. Scott McKee complained to Ms. Newton that these spoken hostilities may well have caused Chief Richard Lewis to interfere with the ongoing good faith discussions between McKee and the City of Springfield concerning his separation from employment and a related monetary and benefits severance package discussion, which had been initiated by the City of Springfield days earlier only to be abruptly dismissed in close time proximity to the timing of the employee warning delivered to Scott McKee about management level hostility toward him over the Steven Scott matter.

20. On September 15, 2020, Scott McKee made official written complaint to City Manager, Nancy Newton regarding an act of discrimination and the racial epithet penned to his MLK lithograph.
21. Given the previous serious concerns expressed to Chief Lewis, HR Director Chaim Hertz and the City of Springfield by Scott McKee during the course of his employment history at SPD, it is astounding at most, perplexing at least, that Chief Lewis, the City of Springfield and HR Director Chaim Hertz would not take appropriate protective action to ensure such egregious racially charged and targeted hate speech would be eradicated from the SPD, let alone repeat and become permanently penned upon the back of this personal symbol of American justice within his private office inside police headquarters.
22. Lt. McKee delivered the City of Springfield the appropriate Tort Claim Notice via certified mail and email on January 18, 2021.

Damages:

As a result of these events, Scott McKee has suffered economic damages in the form of severance pay, retirement contributions, lost benefits, attorney's fees and out of pocket expenses, loss of future income as well as non-economic damages in the form of physical and emotional injury, emotional pain and suffering, mental anguish, humiliation, and loss of professional reputation.

A claim for damages is hereby asserted against SPD and the City of Springfield and its agents. In addition, SPD and the City of Springfield should be enjoined from future violations.

Should it be necessary for Scott McKee to retain an attorney, he will seek pay for reasonable attorney's fees.

Please confirm in writing to my address receipt of this tort claims notice.

Very truly yours,

Scott McKee
2157 Eastwood Lane
Eugene, Oregon 97401

cc: personal attorney