

IN THE DISTRICT COURT OF CANADIAN COUNTY APR 05 2022
STATE OF OKLAHOMA



By *Paul Hesse*
DEPUTY

CHELSEA ADKINS,)
)
Plaintiff,)
)
v.)
)
CHRIS WEST, in his official capacity as)
Canadian County Sheriff, and THE BOARD)
OF COUNTY COMMISSIONERS OF)
CANADIAN COUNTY, a political subdivision)
of the State of Oklahoma,)
)
Defendants.)

Case No. CJ-2022-147

JURY TRIAL DEMANDED
ATTORNEY'S LIEN CLAIMED

PAUL HESSE

PETITION

Plaintiff Chelsea Adkins (“Adkins”) her causes of action against Defendants Chris West (“Sheriff West”), in his official capacity as Canadian County Sheriff, and The Board of County Commissioners of Canadian County (the “Board”) (collectively the “CCSO”), alleges and states as follows:

THE PARTIES

1. Adkins is an individual residing in Canadian County, State of Oklahoma.
2. The Board was and now is a political subdivision of the State of Oklahoma with its principal offices located in Canadian County, State of Oklahoma.
3. Sheriff West was and now is a resident of Canadian County, State of Oklahoma.

JURISDICTION AND VENUE

4. This Court has subject matter jurisdiction and personal jurisdiction over the parties to this action.
5. Venue is proper in the District Court of Canadian County, under 12 O.S. § 133, as the cause of action arose in Canadian County.

FACT ALLEGATIONS

6. Adkins began at the CCSO as an unpaid civilian intern after attending a forensic class instructed by Major Adam Flowers at Oklahoma State University—Oklahoma City in approximately May 2016. During this time, she was asked by Major Flowers to conduct forensic computer analysis on active child pornography cases “to see if she could do the job.”
7. Apparently, Major Flowers came to the opinion that Adkins was up to the task, because Adkins was hired at the CCSO’s office in February 2017 as a full-time civilian computer forensics examiner while she attended the CLEET reserve academy, followed by the bridge academy to become a fully certified officer in August 2019.
8. During her five years of employment at the CCSO, Adkins fulfilled her job duties and responsibilities in a more than satisfactory manner.
9. Indeed, Adkins had a one-hundred percent conviction rate and the highest jury verdict rate on child-predator cases in the county over her five-year career with the CCSO.

10. In 2020, Adkins was awarded the Meritorious Service Award from the Oklahoma Sheriff's Association for assisting the Luther Police Department in identifying an unknown minor female in a child-exploitation case.
11. Adkins earned certifications as a Cellebrite certified mobile examiner, became certified as a Magnet AXIOM computer forensics examiner, was licensed to conduct BitTorrent and eMule investigations, and was a member of the Oklahoma State Bureau of Investigation Internet Crimes Against Children ("ICAC") task force.
12. Although the promises were never kept, Adkins was repeatedly told that she was doing an excellent job and would be promoted as a result.
13. During her five-year career at the CCSO, she had never been given any verbal reprimands—until after she engaged in the protected activity described below. And before her protected activity, no supervisor had ever complained about Adkins's performance. Regularly, she was praised and told she had exceeded expectations.
14. In late 2020 or early 2021, in response to a request for equipment, Major Flowers gave Adkins a computer that had been seized as evidence from a person who possessed child pornography (with a new hard drive inserted).
15. Although the computer had been taken for evidentiary purposes and Adkins had filed paperwork to seek forfeiture of the computer to the CCSO, the computer had not yet been adjudicated forfeited.

16. Adkins told Major Flowers that the computer could not be used. She followed up by giving Major Flowers documentation, showing that the computer had not yet been adjudicated forfeited.
17. Major Flowers told Adkins to use the computer and not tell anyone. Ultimately, Adkins used the computer, but anytime anyone asked, she truthfully reported what had happened.
18. On or about the morning of April 28, 2021, Adkins saw Major Flowers performing a Cellebrite dump on a phone with Jerry Flowers (Major Flowers's father, a non-CCSO employee) and Lieutenant Paul Reynolds standing nearby.
19. Lieutenant Reynolds handed Adkins a Kingfisher County consent-to-search form for a cellular device belonging to a suspect, which Adkins filed for record-keeping purposes.
20. While all of this was going on, Adkins noticed that Major Flowers had taken the cellular device belonging to the suspect off airplane mode—which is essential to preserve evidence when conducting a search on a cellular device.
21. Adkins witnessed Major Flowers's pulling up the personal Google account of the suspect, whose cellular device was being searched, on the CCSO ICAC forensic computer. She saw Major Flowers attempting to log into the Google account, resetting the Google password through the suspect's phone, and downloading information from the suspect's personal Google account.
22. She witnessed essentially the same sequence of events for the suspect's personal Facebook account.

23. After witnessing these events, Adkins questioned Lieutenant Reynolds about whether Lieutenant Reynolds knew that Major Flowers had accessed the personal Google and Facebook accounts and whether the suspect had been asked to provide consent to search the Google and Facebook accounts.
24. Lieutenant Reynolds appeared surprised and stated that he did not know about Major Flowers's accessing the suspect's personal Google and Facebook accounts.
25. Adkins told Lieutenant Reynolds that he should be careful not to use any of the Facebook or Google account information in any investigation because the downloading of the Google and Facebook information likely constituted an illegal search because it seemed to have been conducted without consent and without a search warrant.
26. Based on what she witnessed, Adkins had reason to believe that Major Flowers was attempting to search the suspect's accounts for private purposes related to his father's (Jerry Flowers) security job with an oil and gas company, rather than for legitimate law-enforcement purposes.
27. Although Lieutenant Reynolds initially asked Adkins to document the situation, he later pressured Adkins to keep the situation quiet by suggesting that if she spoke out about the misuse of County property and the illegal search, it would somehow reflect badly on her.
28. Adkins felt incredibly uncomfortable with the situation, so she informed Lieutenant Marty Burns about the situation on or about April 28, 2021.

29. On May 7, 2021, Lieutenant Burns reported all the above-described information to Sheriff West and Undersheriff Ward. Later that afternoon, Adkins was called to meet with the Sheriff and Undersheriff at CCSO headquarters.
30. Adkins was asked about what had taken place with the illegal search on the suspect's personal Google and Facebook accounts, and she informed Undersheriff Ward and Sheriff West about the events described above.
31. Adkins was asked what she knew of computer equipment seized as evidence, taken from the ICAC forensic-evidence cage, and used as forensic equipment.
32. Adkins advised that Major Flowers had removed the hard drive from a computer seized from Adkins's suspect on a child pornography investigation and provided Adkins the computer to use for digital forensics.
33. Sheriff West and Undersheriff Ward asked Adkins if the computer had been forfeited. Adkins said she had filed the paperwork for asset forfeiture, but it had not been completed through the court system and was not completed during the time the computer was used.
34. Sheriff West and Undersheriff Ward asked Adkins if she made Major Flowers aware that the computer was not legally CCSO property, and Adkins said that she had.
35. After these events, Major Flowers told Adkins that an investigation had been conducted and that he had been cleared. Based on Major Flowers's description of the investigation to Adkins, Adkins understands that the alleged investigation mainly consisted of a hypothetical being described to the Canadian County District Attorney's Office and, in response to the description of the hypothetical, an

Assistant District Attorney's stating that the office would not file criminal charges in this circumstance.

36. Based on the information available to Adkins, she is confident that any such investigation was either not thorough or that the CCSO fed the investigators false information.

37. After the above events, Adkins started to experience retaliation for her raising the above concerns and standing up for provisions in the Constitution of the State of Oklahoma related to legal searches and seizures, as well as Oklahoma statutes related to hacking and forfeiture proceedings.

38. Adkins's above-described behavior was consistent with Oklahoma public policy.

39. After her protected activity, for the first time in her career at the CCSO, she was given time constraints on investigations and investigative quotas to meet each month on ICAC cases.

40. These expectations were unreasonable, and Adkins believes that the evidence will show that the expectations were manufactured to generate a reason to discipline and eventually terminate her.

41. Adkins was also restricted from taking cases to the District Attorney's office or taking any search or arrest warrants to judges without her supervisor reviewing her work. Those same constraints were not placed on any other CCSO investigator.

42. Despite the retaliatory actions against her, Adkins continued to receive conflicting information about her performance. For instance, in June 2021, Major Flowers continued to tell Adkins that she would be promoted to Sergeant in July 2021. And

her immediate supervisor, Captain Blevins made the comment that “even if things ended badly” for Adkins, another agency would love to have her and would pick her up in a heartbeat with her skillset.

43. On August 16, 2021, Captain Blevins asked Adkins to come to his office and shut the door. Captain Blevins handed Adkins a “SPECIFIC OCCURRENCE PERFORMANCE REPORT” Action: Formal Discipline-Level Two.
44. The reprimand stated that Adkins would be suspended without pay for one day and placed on probationary status for one year, expiring on August 31, 2022.
45. The reprimand further stated that new policy violations rising to a level of any discipline during her probationary status would trigger a job review that may result in more severe discipline, up to and including termination.
46. Finally, the reprimand stated that during her probationary period, she would not be eligible for promotion.
47. Adkins believes the evidence will show that all the alleged performance issues raised in the above-referenced disciplinary document were pretext for retaliation against Adkins for her activity in support of Oklahoma’s public policy.
48. Shortly thereafter, Adkins submitted a rebuttal, explaining why each of the alleged deficiencies in her performance were unfounded.
49. Despite the validity of Adkins’s rebuttal, Adkins was terminated on August 20, 2021, with no explanation as to the reason for termination.

FIRST CAUSE OF ACTION—PUBLIC-POLICY TORT

50. Adkins incorporates the above paragraphs as though set forth in full herein.
51. Oklahoma law recognizes a public-policy tort (*Burk* tort) for employees who are fired under the following circumstances: “(1) an actual or constructive discharge (2) of an at-will employee (3) in significant part for a reason that violates an Oklahoma public policy goal (4) that is found in Oklahoma’s constitutional, statutory, or decisional law or in a federal constitutional provision that prescribes a norm of conduct for Oklahoma and (5) no statutory remedy exists that is adequate to protect the Oklahoma policy goal.” *Vasek v. Bd. of Cty. Comm’rs of Noble Cty.*, 2008 OK 35, ¶ 14, 186 P.3d 928, 932; *see also Burk v. K-Mart Corp.*, 1989 OK 22, 770 P.2d 24.
52. Adkins was terminated.
53. Adkins was an at-will employee.
54. Adkins’s termination was against Oklahoma’s public policy, under Article 2, § 30 of the Constitution of the State of Oklahoma, which recognizes the “right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches or seizures.” Adkins was fired in significant part because she opposed an illegal, warrantless search of a suspect’s personal Google and Facebook accounts, as described above.
55. Adkins’s termination was also against Oklahoma’s public policy, under 21 O.S. § 1738, which establishes the procedures for forfeiture of computers and peripherals when such items are used in the commission of crimes in the State of Oklahoma and

provides that such items are to “be held as evidence until a forfeiture has been declared or a release ordered.” Adkins was fired in significant part because she opposed the illegal use of such items before the items were adjudicated forfeited.

56. Adkins’s termination was also against Oklahoma’s public policy, under 21 O.S. §§ 1953 and 1958, which criminalizes willful and unauthorized acts to “gain or attempt to gain access to a computer, computer system, computer network, data or other property” and to “disrupt or cause the disruption of computer services or deny or cause the denial of access or other computer services to an authorized user of a computer, computer system or computer network . . . without the effective consent of the owner.” Adkins was fired in significant part because she opposed acts related to the resetting of a suspect’s Google and Facebook passwords to gain access to these accounts without the consent of the suspect, actions which violated 21 O.S. §§ 1953 and 1958.

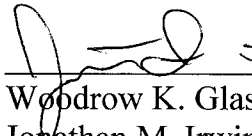
57. No statutory remedy exists that is adequate to protect the public policies described above.

WHEREFORE, Adkins prays for judgment against the CCSO as follows:

- a. For actual damages in a sum in excess of \$75,000.00;
- b. For interest as provided by law, both pre- and post-judgment;
- c. For costs; and
- d. For such other and further relief as the Court deems just, equitable, and proper.

Respectfully submitted,

WARD & GLASS, LLP



Woodrow K. Glass, OBA #15690
Jonathan M. Irwin, OBA #32636
Travis E. Harrison, OBA#33520
1601 36th Avenue, N.W.
Norman, Oklahoma 73072
(405) 360-9700 / (405) 360-7902 fax
ATTORNEYS FOR PLAINTIFF