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NANCY SWEENEY
CLERK DISTRICT COURT

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MONTANA FIRST JUDICIAL DISTRICT COURT
LEWIS AND CLARK COUNTY

S.H.,

Case No. *ADV-2016-469*

Plaintiff,

vs.

COMPLAINT

**CITY OF HELENA, a municipality
chartered by the State of Montana,
COUNTY OF LEWIS AND CLARK, a
political and administrative division of the
State of Montana, LLOYD MATTHEW
THOMPSON, and DOES 1-50,**

MIKE MENAHAN
PRESIDING JUDGE

Defendants.

Based upon information and belief available to Plaintiff, S.H., at the time of the filing of this Complaint for Damages, Plaintiff makes the following allegations:

NATURE OF ACTION

1. Plaintiff is an individual who worked as a confidential informant for the Missouri River Drug Task Force ("MRDTF"). City of Helena Police Department Officer Matt Thompson served on the MRDTF and managed Plaintiff's informant duties. Officer Thompson forced Plaintiff to engage in sexual conduct on numerous occasions. Plaintiff seeks damages resulting from violations of due process and negligence.

PARTIES, JURISDICTION AND VENUE

1
2 2. Plaintiff S.H. was at all material times an adult resident of the County of Lewis and
3 Clark, State of Montana. S.H. is not Plaintiff’s true name, but is a fictitious name utilized to
4 protect the identity of Plaintiff, a victim of sexual abuse.

5 3. Defendant Lloyd Matthew Thompson (“Defendant Perpetrator”) was at all material
6 times a police officer with the City of Helena Police Department, working with the MRDTF.
7 Plaintiff is informed and believes that at all material times Defendant Perpetrator was the
8 agent, servant, and/or employee of all other Defendants.
9

10 4. Defendant City of Helena, Montana (“Defendant City”), is a municipality chartered by
11 the State of Montana, in the County of Lewis and Clark. Among its functions, Defendant City
12 operates and maintains a law enforcement agency known as the City of Helena Police
13 Department. Defendant City is responsible for the policing operations in the City of Helena,
14 including MRDTF operations.
15

16 5. Defendant County of Lewis and Clark (“Defendant County”) is a political and
17 administrative division of the State of Montana. Defendant County is responsible for the
18 policing operations in the County of Lewis and Clark, including MRDTF operations.
19

20 6. The Missouri River Drug Task Force (“MRDTF”) is a multi-jurisdictional law
21 enforcement entity formed in 1994 with funding from the Edward Byrne Memorial federal
22 grant. It is comprised of seven counties throughout the State of Montana: Lewis and Clark
23 County, Broadwater County, Gallatin County, Park County, Sweetgrass County, Madison
24 County, and Meagher County.

25 7. Venue is proper in this county, pursuant to Mont. Code Ann. § 25-2-118, because at
26 least one defendant resides in this district.
27

1 8. Defendant Does 1 through 50, inclusive, are individuals and/or business or corporate
2 entities incorporated in and/or doing business in Montana whose true names and capacities are
3 unknown to Plaintiff, who therefore sues such Defendants by such fictitious names, and who
4 will amend the Complaint to show the true names and capacities of each such Doe Defendant
5 when ascertained. Each such Defendant Doe is legally responsible in some manner for the
6 events, happenings, and/or tortious and unlawful conduct that caused the injuries and damages
7 alleged in this Complaint.
8

9 9. Each Defendant is the agent, servant, and/or employee of other Defendants, and each
10 Defendant was acting within the course and scope of his, her or its authority as an agent,
11 servant, and/or employee of the other Defendants. The Defendants, and each of them, are
12 individuals, corporations, partnerships, and other entities which engaged in, joined in and
13 conspired with the other wrongdoers in carrying out the tortious and unlawful activities
14 described in this Complaint, and the Defendants, and each of them, ratified the acts of the
15 other Defendants as described in this Complaint.
16

17 **BACKGROUND FACTS APPLICABLE TO ALL COUNTS**

18 10. MRDTF is a multi-agency task force comprised of law enforcement from multiple
19 jurisdictions. The Board of Directors of MRDTF is comprised of members from the Helena
20 Police Department, Lewis and Clark County Sheriff's Office, Broadwater County Sheriff's
21 Office, Bozeman Police Department, Gallatin County Sheriff's Office, and Park County
22 Sheriff's Office. MRDTF is active in the investigations and arrests of individuals involved in
23 the transport and sale of controlled substances. MRDTF detectives investigate a variety of
24 cases from routine neighborhood complaints to complex multi-state or national drug
25 trafficking organizations responsible for trafficking narcotics into Montana.
26
27

1 11. Plaintiff met Defendant Perpetrator through her work as a confidential informant with
2 MRDTF. Plaintiff worked closely with Defendant Perpetrator while Defendant Perpetrator
3 was working under all Defendants.

4 12. Plaintiff is informed and believes and on that basis alleges that Defendant City,
5 Defendant County, and MRDTF have policies and procedures in place for the use of and
6 interaction with confidential informants.

7 13. Defendants offered Plaintiff incentives to become a confidential informant. Plaintiff
8 entered into an agreement with Defendants to provide informant services in exchange for
9 varying incentives, including financial gain.

10 14. Defendants used Plaintiff in the capacity as a confidential informant in their
11 investigations and arrests of drug transporters and sellers. On multiple occasions Plaintiff
12 wore a wire used to audio record her interactions with individuals Defendants were
13 investigating and prosecuting. Plaintiff is informed and believes that the information she
14 provided in her capacity as a confidential informant working for Defendants helped secure
15 arrests and convictions for Defendants. Plaintiff is additionally informed and believes that
16 Defendant Perpetrator helped secure arrests and convictions for Defendants.

17 15. Defendant Perpetrator gained access to Plaintiff through her work as a confidential
18 informant. Defendant Perpetrator began grooming Plaintiff for his eventual repeated sexual
19 assaults by flirting with Plaintiff via text message. Eventually the text messages escalated to
20 asking Plaintiff what she was wearing, and then to asking Plaintiff to meet with him alone.

21 16. Plaintiff is informed and believes and on that basis alleges that it is against Defendant
22 City, Defendant County, and MRDTF policies for an officer to meet with a confidential
23 informant alone and/or engage in sexual activities with a confidential informant.

1 17. From approximately May 2012 until in or around October 2012, Defendant
2 Perpetrator forced Plaintiff to engage in repeated sexual acts, including oral copulation, anal
3 sexual intercourse, and vaginal sexual intercourse. Plaintiff did not willingly consent to these
4 acts but was instead forced, coerced, and threatened into engaging in them.

5 18. Defendant Perpetrator repeatedly threatened Plaintiff with potential criminal charges
6 and jail time if she did not cooperate and perform the sexual acts. Defendant Perpetrator
7 additionally threatened to have Plaintiff's children taken away if she did not cooperate with his
8 sexual advances.

9 19. Defendant Perpetrator became increasingly physically abusive of Plaintiff as time
10 progressed. He used both physical force and mental intimidation to further his sexual abuse of
11 Plaintiff.

12 20. The sexual abuse of Plaintiff occurred while Defendant Perpetrator was both on and
13 off duty. Defendant Perpetrator forced Plaintiff to perform oral sex on him multiple times
14 while inside his patrol vehicle, while he was on duty. He additionally forced Plaintiff to
15 engage in sexual intercourse in his patrol vehicle while he was on stakeouts.

16 21. Plaintiff is informed and believes and on that basis alleges that Defendant Perpetrator
17 drank alcohol and used methamphetamine while on duty.

18 22. Defendant Perpetrator telephoned Plaintiff and told her he had been caught and
19 explained to Plaintiff that she would likely be contacted. Defendant Perpetrator instructed
20 Plaintiff on what to tell Defendant City. Defendant Perpetrator insisted that Plaintiff keep all
21 other information on Defendant Perpetrator's conduct a secret.

22 23. Plaintiff is informed and believes that Defendant Perpetrator contacted at least one
23 other confidential informant and told her not to disclose his sexual relationship with her.
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1 24. In or around October 2012 Plaintiff was contacted by officers with Defendant City
2 and asked to come to the police station. Plaintiff followed the Defendant Perpetrator's
3 instructions and told them what Defendant Perpetrator had told her to say. The officers
4 informed Plaintiff they were conducting an investigation into Defendant Perpetrator's conduct.

5 At the end of that meeting a Department City officer informed Plaintiff that she should get
6 medically checked for sexually transmitted diseases.

7
8 25. Plaintiff is informed and believes and on that basis alleges that Defendant Perpetrator
9 sexually abused at least four other female confidential informants while working as a
10 Defendant City police officer under the supervision and control of each of the Defendants.

11 26. Plaintiff is informed and believes and on that basis alleges that Defendant
12 Perpetrator's propensity to commit sexual abuse was known to Defendants prior to Defendant
13 Perpetrator's sexual abuse of Plaintiff.

14
15 27. Between approximately May 2012 and October 2012 Plaintiff began experiencing
16 heightened levels of anxiety. Plaintiff was hospitalized on August 27, 2012 for a suicide
17 attempt. Plaintiff was unable to appreciate the wrongfulness of the conduct nor her damages
18 caused by Defendant Perpetrator's abuse and Defendants' actions at that time. Plaintiff did not
19 disclose the abuse by Defendant Perpetrator during this hospitalization.

20
21 28. Plaintiff was additionally hospitalized from October 4, 2012 until October 9, 2012 for
22 psychiatric reasons, including suicidal ideations. Plaintiff was unable to appreciate the
23 wrongfulness of the conduct nor her damages caused by Defendant Perpetrator's abuse and
24 Defendants' actions at that time. Plaintiff did not disclose the abuse by Defendant Perpetrator
25 during this hospitalization.

1 29. Plaintiff was arrested in late January 2013 on multiple felony charges. While in the
2 custody of Defendant County, two Defendant City police officers told Plaintiff to remain silent
3 about her abuse by Defendant Perpetrator.

4 30. Plaintiff partly informed her criminal defense counsel of what her prior circumstances
5 had involved, including her work as a confidential informant and her abuse by Defendant
6 Perpetrator. Plaintiff's criminal defense counsel provided that information to Defendant
7 County. Defendant County, in an acknowledgment and/or partial payment of debt to Plaintiff,
8 made an offer to resolve Plaintiff's criminal case which included dismissal of all but one
9 felony count and drug court.
10

11 31. Plaintiff was released from custody in or around May 2013 and entered drug court.
12 Plaintiff remained in drug court until approximately October 2014.
13

14 32. In or around June 2013 Plaintiff began experiencing non-epileptic stress-induced
15 seizures. The seizures were at times so debilitating that Plaintiff was unable to perform daily
16 tasks, as they occurred upwards of ten times per day. Plaintiff was hospitalized numerous
17 times due to these seizures. Plaintiff attributes her stress-induced seizures to her abuse by
18 Defendant Perpetrator and her continued interactions with Defendants and their agents.
19

20 33. Plaintiff remains in fear of Defendants due, in part, to Defendants' power within the
21 community. Defendants' actions, demands, and threats prevented Plaintiff from coming
22 forward earlier and reporting the true extent of the abuse.

23 34. Plaintiff's psychological injuries are such that Plaintiff is unable, as a lay person, to
24 understand their complexity. Plaintiff is additionally unable to discern the cause of her
25 injuries.
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1 35. As a result of the wrongful conduct alleged herein, Plaintiff has suffered, and
2 continues to suffer great pain of mind and body, shock, emotional distress, physical
3 manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace,
4 humiliation, and loss of enjoyment of life; was prevented and will continue to be prevented
5 from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has
6 sustained and continues to sustain loss of earnings and earning capacity; and/or has incurred
7 and will continue to incur expenses for medical and psychological treatment, therapy, and
8 counseling.
9

10 36. Plaintiff has suffered and will continue to suffer a serious and lifelong personal
11 physical injury as a result of the abuse. Plaintiff's physical injury requires and will require
12 time-consuming and expensive treatment.
13

14 **FIRST CAUSE OF ACTION**
15 **MONTANA CONSTITUTION ARTICLE 2, § 17 – VIOLATION OF**
16 **SUBSTANTIVE DUE PROCESS**
17 **(Against All Defendants)**

18 37. Plaintiff incorporates all paragraphs of this Complaint as if fully stated herein.

19 38. At all times relevant herein, Defendants acted under the color of the state.

20 39. At all times relevant herein, Defendants, with deliberate indifference, intentionally,
21 willfully or wantonly, and/or with reckless disregard deprived Plaintiff of rights and/or
22 privileges secured by the constitution, including but not limited to her right to be free from
23 unauthorized bodily intrusion.

24 40. Defendants, with deliberate indifference, engaged in a custom of failing to train its
25 officers as to the rights of confidential informants with whom officers come into contact, and
26 the responsibilities of officers working with confidential informants, including Plaintiff.
27

1 41. Defendants, with deliberate indifference, engaged in a custom of failing to adequately
2 train officers as to the proper handling and engagement with confidential informants, including
3 Plaintiff.

4 42. Defendants, with deliberate indifference, engaged in a custom of failing to adequately
5 screen, supervise, investigate, and discipline its officers.

6 43. Defendants violated Plaintiff's civil rights by having an express policy that, when
7 enforced, caused a constitutional deprivation to Plaintiff, or by having a widespread practice
8 and/or custom that, although not authorized by written law or express policy, was so
9 permanent and well settled as to constitute a custom or usage with the force of law.
10

11 44. The constitutional injury inflicted by Defendants was caused by a person with final
12 policymaking authority at Defendant City and Defendant County.

13 45. Defendants knew about the above-described conduct and facilitated it, approved it,
14 condoned it, and/or turned a blind eye to the conduct.
15

16 46. The above-described conduct of Defendants constitutes a violation of the Montana
17 Constitution Article 2, § 17. Plaintiff is entitled to compensatory damages for physical injury,
18 emotional pain, suffering, mental anguish and other non-pecuniary losses.
19

20 **SECOND CAUSE OF ACTION**
21 **NEGLIGENCE**
(Against All Defendants)

22 47. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

23 48. Defendants had a duty to protect the Plaintiff based on their relationship with Plaintiff
24 working as a confidential informant for and under the supervision of Defendants.

25 49. Defendants, by and through their agents, servants and employees, knew or reasonably
26 should have known of the Defendant Perpetrator's dangerous and exploitive propensities
27

1 and/or that the Defendant Perpetrator was an unfit agent. It was foreseeable that if Defendants
2 did not adequately exercise or provide the duty of care owed to confidential informants,
3 including but not limited to Plaintiff, those entrusted to Defendants' care would be vulnerable
4 to sexual abuse by Defendant Perpetrator.

5 50. Defendants breached their duty of care to the Plaintiff by allowing the Defendant
6 Perpetrator to come into contact with the Plaintiff alone; by failing to adequately hire,
7 supervise, or retain the Defendant Perpetrator who they permitted and enabled to have access
8 to Plaintiff; by failing to investigate or otherwise confirm or deny such facts about the
9 Defendant Perpetrator; by failing to tell or concealing from Plaintiff or other law enforcement
10 officials that the Defendant Perpetrator was or may have been sexually abusing females; by
11 failing to tell or concealing from Plaintiff or other law enforcement officials that Plaintiff was
12 or may have been sexually abused after Defendants knew or had reason to know that the
13 Defendant Perpetrator may have sexually abused Plaintiff, thereby enabling Plaintiff to
14 continue to be endangered and sexually abused, and/or creating the circumstance where
15 Plaintiff was less likely to receive medical/mental health care and treatment, thus exacerbating
16 the harm done to Plaintiff; and/or by holding out the Defendant Perpetrator to the Plaintiff as
17 being in good standing and trustworthy. Defendants cloaked with the facade of normalcy
18 Defendants' and/or the Defendant Perpetrator's contact and/or actions with the Plaintiff and/or
19 with others who were victims of the Defendant Perpetrator, and/or disguised the nature of the
20 sexual abuse and contact.

21 51. As a result of the above-described conduct, Plaintiff has suffered, and continues to
22 suffer great pain of mind and body, shock, emotional distress, physical manifestations of
23 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of
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1 enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will
2 continue to be prevented from performing Plaintiff's daily activities and obtaining the full
3 enjoyment of life; has sustained and will continue to sustain loss of earnings and earning
4 capacity; and/or has incurred and will continue to incur expenses for medical and
5 psychological treatment, therapy, and counseling.

6
7 **THIRD CAUSE OF ACTION**
8 **NEGLIGENT SUPERVISION/FAILURE TO WARN**
9 **(Against All Defendants)**

10 52. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

11 53. Defendants had a duty to provide reasonable supervision of the Defendant Perpetrator;
12 to use reasonable care in investigating the Defendant Perpetrator; and to provide adequate
13 warning to the Plaintiff of the Defendant Perpetrator's dangerous propensities and unfitness.

14 54. Defendants knew or reasonably should have known of Defendant Perpetrator's
15 dangerous and exploitive propensities and/or that the Defendant Perpetrator was an unfit agent.
16 Despite such knowledge, Defendants negligently failed to supervise the Defendant Perpetrator
17 in the position of trust and authority as a police officer, confidential informant handling
18 officer, and/or other authority figure, where he was able to commit the wrongful acts against
19 the Plaintiff. Defendants failed to provide reasonable supervision of the Defendant
20 Perpetrator, failed to use reasonable care in investigating the Defendant Perpetrator, and failed
21 to provide adequate warning to Plaintiff of the Defendant Perpetrator's dangerous propensities
22 and unfitness. Defendants further failed to take reasonable measures to prevent future sexual
23 abuse.
24

25 55. As a result of the above-described conduct, Plaintiff has suffered, and continues to
26 suffer great pain of mind and body, shock, emotional distress, physical manifestations of
27

1 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of
2 enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will
3 continue to be prevented from performing Plaintiff's daily activities and obtaining the full
4 enjoyment of life; has sustained and will continue to sustain loss of earnings and earning
5 capacity; and/or has incurred and will continue to incur expenses for medical psychological
6 treatment, therapy, and counseling.
7

8 **FOURTH CAUSE OF ACTION**
9 **NEGLIGENT HIRING/RETENTION**
10 **(Against All Defendants)**

11 56. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

12 57. Defendants had a duty to not hire and/or retain Defendant Perpetrator, and other
13 employees, agents, volunteers, and other representatives, given Defendant Perpetrator's
14 dangerous and exploitive propensities.

15 58. Defendants knew or reasonably should have known of the Defendant Perpetrator's
16 dangerous and exploitive propensities and/or that the Defendant Perpetrator was an unfit agent.
17 Despite such knowledge, Defendants negligently hired and/or retained the Defendant
18 Perpetrator in the position of trust and authority as a police officer, confidential informant
19 handling officer, and/or other authority figure, where he was able to commit wrongful acts
20 against the Plaintiff. Defendants failed to use reasonable care in investigating the Defendant
21 Perpetrator and failed to provide adequate warning to Plaintiff of the Defendant Perpetrator's
22 dangerous propensities and unfitness. Defendants further failed to take reasonable measures to
23 prevent future sexual abuse.
24

25 59. As a result of the above-described conduct, Plaintiff has suffered, and continues to
26 suffer great pain of mind and body, shock, emotional distress, physical manifestations of
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1 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of
2 enjoyment of life; has suffered and continues to suffer spirituality; was prevented and will
3 continue to be prevented from performing Plaintiff's daily activities and obtaining the full
4 enjoyment of life; has sustained and will continue to sustain loss of earnings and earning
5 capacity; and/or has incurred and will continue to incur expenses for medical and
6 psychological treatment, therapy, and counseling.
7

8 WHEREFORE, Plaintiff prays for damages, costs, interest, statutory/civil penalties
9 according to law, and such other relief as the court deems appropriate and just.

10 **DEMAND FOR TRIAL BY JURY**

11 NOW COME Plaintiff, by and through her counsel, and hereby demands a trial by jury
12 as to all of those issues so triable as of right.
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15 DATED this 3rd day of June, 2016.
16

17 Respectfully Submitted,
18 McKEON DOUD, P.C.

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21 Meghan M. Doud, Esq.
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