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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO**

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**ALESHEA L. BOALS,**

Plaintiff,

vs.

**CANYON COUNTY SHERIFF'S  
OFFICE; and SHERIFF KIERAN  
DONAHUE, in his individual capacity.**

Defendants.

**COMPLAINT  
(JURY DEMANDED)**

Civil No.

District Judge

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Plaintiff Aleshea Lind Boals complains and alleges against Defendant Canyon County Sheriff's Office ("CCSO") and Defendant Sheriff Kieran Donahue ("Sheriff" or "Sheriff Donahue"), referred to collectively as ("Defendants") as follows:

**I. NATURE OF CASE**

1. This suit is brought by the former CCSO Victim Witness Coordinator, Aleshea Lind Boals ("Ms. Boals" or "Plaintiff"), who brings claims against Defendants for violation of Section

1983 of the Civil Rights Act of 1866 (“Section 1983”), 42 U.S.C. §1983; and, the Idaho Protection of Public Employees Act (“IPPEA”), Idaho Code §6-2101 *et seq.*

2. Ms. Boals alleges that she was harassed and discriminated against based on her gender. She further alleges that she was retaliated against and constructively discharged after she reported gender discrimination/illegal activity and objected to directives that she reasonably believed violated state and federal law.

3. Plaintiff seeks all available equitable relief, damages, attorneys’ fees, costs, and interest.

## **II. PARTIES**

4. Plaintiff Aleshea Lind Boals is an adult individual, competent to bring this action, a citizen of the State of Idaho, and a resident of Ada County, Idaho. She was an employee of CCSO at all relevant times herein.

5. Defendant CCSO is a law enforcement agency covering Canyon County, Idaho, authorized under Idaho Code §31-2201, *et seq.*

6. At all times relevant hereto, Defendant Sheriff Kieran Donahue has been the Sheriff of CCSO. He is being sued in his individual capacity under §1983 and §1988 for all available relief.

## **III. JURISDICTION AND VENUE**

7. This Court has original jurisdiction under the provisions of 28 U.S.C. § 1331 with respect to Plaintiff’s claims arising under federal law, and supplemental jurisdiction pursuant to 28 U.S.C. § 1367 with respect to Plaintiff’s state law claims.

8. Venue is proper with this Court under 28 U.S. Code § 1391 as Defendants reside within and Plaintiff’s claims occurred within this Court’s judicial district, the State of Idaho.

#### IV. GENERAL ALLEGATIONS

##### **Ms. Boals' Employment, and CCSO Policies and Procedures Relating to Victim Services**

9. Ms. Boals was employed by CCSO as a Victim Witness Coordinator (“VWC”) from 2006 until January 31, 2022.

10. During Ms. Boals’ tenure with CCSO, the vast majority of victims that Ms. Boals and the other VWCs served were victims of domestic violence and/or victims of sexual assault (including but not limited to minor victims of sexual assault).

11. The vast majority of victims that Ms. Boals and the other VWCs served were women and girls. For example:

- a. In 2020, 91% of all sexual assault victims nationally were female;
- b. In 2021, 89% of all sexual assault victims in Canyon County were female;
- c. Approximately 90% to 96% of domestic violence victims nationwide are female; and
- d. Approximately 88% of domestic violence homicide victims in Idaho are female.

12. When Ms. Boals was hired by CCSO in 2006, she founded the first Victim Witness Unit at CCSO, and over the last 15 years, she brought the program from its infancy to one that has been admired throughout the state.

13. As part of this process, Ms. Boals developed protocols and Standard Operating Procedures (“SOPs”) for the unit and for law enforcement who investigate cases involving domestic violence, stalking, sexual assault, and child abuse.

14. Pursuant to Idaho Code and the Idaho Constitution, “each victim of a criminal or juvenile offense shall be . . . [t]reated with fairness, respect, dignity and privacy throughout the criminal justice process.” Idaho Code §19-5306; *see also* Idaho Const. Art. 1, §22.

15. In order to ensure compliance with these statutory and constitutional requirements, at the urging of Ms. Boals, CCSO adopted the “Start by Believing” model for victim services in 2015. As such, CCSO’s current policy states:

It is the policy of the Canyon County Sheriff's Office that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

*Policy 613.*

16. Under CCSO policies (specifically, Policy 613 and 330), when investigating sexual assaults and child abuse, CCSO investigators have an obligation to:

- a. Provide victims with appropriate medical exams and/or CARES (*i.e.*, forensic) interviews *before* conducting in-depth interviews of the victim;
- b. Conduct interviews of minors in a child-appropriate interview facility, and when practicable, defer interviews of a minor until a person who is specially trained in such interviews is available;
- c. Coordinate with the Sexual Assault Response Team (“SART,” consisting of the investigating officer(s), forensic examiners and victim advocates) and include them in initial victim interviews;
- d. Present *all* cases of alleged child abuse to a prosecutor for review; and
- e. Run any cases that are determined to be “unfounded” or without merit past the Criminal Investigation Division (“CID”) supervisor.

17. Medical exams and forensic interviews, which are usually done at CARES, are not only an integral part of the investigation, they are also necessary to provide victims with the rights to which they are statutorily and constitutionally entitled. For example:

- a. Because the vast majority of sexual abuse and domestic violence cases are perpetrated upon women and girls, the forensic interviews conducted at CARES are usually performed by female interviewers (who are specially trained in conducting such interviews) and in a safe space within the CARES facility. These protocols are necessary to make the victim feel safe and respected, which in turn allows them to provide complete and accurate testimony;
- b. Medical exams at CARES are conducted not only to preserve evidence, but also to confirm that the victim is physically okay (*i.e.*, to confirm she is not pregnant, does not need surgery or other curative procedures, and has not contracted HIV or other sexually transmitted diseases as a result of the abuse/assault); and
- c. VWCs are charged with providing crisis intervention to victims, and the CARES interviews and exams are necessary to inform VWCs what services are necessary and appropriate for the victim.

18. Throughout most of Ms. Boals' tenure at CCSO, VWCs like Ms. Boals were generally responsible for scheduling CARES interviews for victims, and once that interview had been set up, VWCs attended the CARES meetings and other exams to determine what victim services were appropriate.

19. Furthermore, pursuant to CCSO policy, VWCs and detectives are supposed to act as a team when a child abuse or sexual assault case is being investigated.

20. Indeed, on December 20, 2018, Sheriff Donahue signed the Canyon County Child Abuse Protocol, wherein he recognized that it was "best-practice" for law enforcement to work collaboratively with victim advocates (as well as medical and mental health professionals).

21. As such, pursuant to CCSO's procedures:

- a. The detective assigned to a case is supposed to coordinate with the VWC;
  - b. Both the VWC and detective are supposed to attend the initial CARES interview together (or if extenuating circumstances exist and the initial interview is conducted by a detective instead of a CARES interviewer, the VWC is supposed to attend that initial interview);
  - c. Both the VWC and detective are supposed to attend any follow-up meetings with the victim and family; and
  - d. The VWC is supposed to assist the detective in setting any follow-up appointments with the victim (like photo line-ups or confrontation phone calls), and the VWC should attend all meetings with the victim and/or her family.
22. In short, as a VWC Ms. Boals played an integral role in ensuring that victims of sexual and domestic violence were handled with fairness, respect, dignity and privacy.

**Ms. Boals' Initial Reports of Gender Discrimination and Illegal Activity**

23. Throughout her tenure at CCSO, Ms. Boals received many accolades and awards. For example:
- a. In 2010, she was awarded a “Challenge Coin” by the then-CCSO Sheriff, for taking CCSO’s “victim witness program from non-existent to one of the best in the valley”;
  - b. In April 2012, Ms. Boals was awarded CCSO Employee of the Month for setting a “good example” to her colleagues and displaying “positive image” of CCSO;
  - c. In July 2017, Ms. Boals was again awarded CCSO Employee of the Month, this time for her “selfless service and sacrifice” to her job; and

- d. In June of 2019, she received a commendation from the Canyon County Prosecuting Attorney, who opined that Ms. Boals “has been and continues to be instrumental in building cases and freeing victims from the cycle of domestic violence.”

24. Throughout her tenure at CCSO, Ms. Boals received excellent reviews. Indeed, until August 2021, Ms. Boals’ annual evaluations were always “exceeds expectations” or “outstanding.” Sgt. Cary Salazar, Ms. Boals’ supervisor from 2018 to February 2021, stated the following about Ms. Boals:

- a. “[she] [i]s a model of professional and effective communication within the office/department”;
- b. “Aleshea is very capable and willing to speak to victims, co-workers, administration, and the general public, in reference to the services that are available to them”; and
- c. “Aleshea is always looking to improve the are[a] in which she works and to ensure that the individuals working along side her have a positive and successful work environment.”

25. Over the last several years, Ms. Boals had become increasingly concerned about the way one detective, Detective Mark Taylor, treated female victims. Specifically, Ms. Boals noticed that Det. Taylor generally chose to blame female victims and not believe their reports of assault or abuse. She was further concerned because Det. Taylor frequently failed to include VWCs in the process and failed to follow protocols and SOPs when interviewing female victims and investigating their cases.

26. For example, in the Fall of 2020, Ms. Boals learned that Det. Taylor had chosen not to believe a female victim who had been forcibly raped by someone she knew. The suspect admitted to having had sex with the victim, and the victim had defensive wounds as well as bruises on her body and injuries to her head and face. After Det. Taylor spoke to the suspect (who contended that the sex was consensual), Det. Taylor chose to interview the victim in an interrogation room, rather than the “Start by Believing” room that CID had specifically remodeled and designated for victim interviews. During the interview, Det. Taylor yelled at the victim for supposedly lying, and he told her that he was closing her case because her vagina was too small to have been raped. The victim left the interview in tears, and she refused to participate further in the investigation and prosecution of her case.

27. Ms. Boals also noted that Det. Taylor’s interactions with female victims was significantly different from his interactions with male victims. For example, one of the first cases Ms. Boals worked with Det. Taylor on was a 2018 case involving the sexual abuse of a teenage boy. Throughout that investigation, Det. Taylor built great rapport with the victim, talking to him frequently on the phone. Indeed, during the investigation, Det. Taylor went so far as to drive out of state several times to visit the victim, take him out to eat and buy him clothes, hygiene products and other gifts.

28. In February 2021, Sgt. Salazar retired from CCSO, and Sgt. Doug Gately became Ms. Boals’ supervisor.

29. When Sgt. Gately was promoted, Ms. Boals met with him to discuss Det. Taylor’s caseload. Specifically, Ms. Boals asked Sgt. Gately to assign her as the VWC for Det. Taylor’s cases, because CCSO’s other VWC was relatively new to the position and Ms. Boals was concerned that Det. Taylor would exclude the other VWC from ensuring that the victim’s rights



were being upheld. Although Sgt. Gately refused to assign all of Det. Taylor's cases to Ms. Boals, Sgt. Gately instructed Ms. Boals to come to him if she had concerns with Det. Taylor in the future.

30. Shortly thereafter, in March 2021, Ms. Boals became concerned about how Det. Taylor was treating a minor female victim of child sex abuse (Jane Doe).

31. On approximately March 11, 2021, Jane Doe came to CCSO to report a sexual assault, and Ms. Boals was assigned as her VWC.

32. On March 17, 2021, Ms. Boals (with Det. Taylor's permission) reached out to Jane Doe's mother to try to set up a CARES interview for Jane Doe.

33. However, before the CARES interview was scheduled, Det. Taylor chose to interview Jane Doe alone. Det. Taylor, who is not specially trained to interview minor victims of abuse, failed to include Ms. Boals (or anyone else) in the interview.

34. Det. Taylor's actions were contrary to CCSO SOPs which dictate that detectives are not supposed to interview minor victims of sexual abuse, especially alone and when the victim is of the opposite sex.

35. Det. Taylor also failed to coordinate with Ms. Boals to provide Jane Doe with victim services, and he further failed to provide Ms. Boals with any information about the case. As such, Ms. Boals was unaware that Det. Taylor had interviewed Jane Doe outside the CARES process and alone.

36. Because Ms. Boals did not know that Det. Taylor had interviewed Jane Doe, Ms. Boals reached out to Jane Doe's mother again on March 24<sup>th</sup> to attempt to schedule a CARES interview.

37. On March 25<sup>th</sup>, Jane Doe's mother emailed Ms. Boals and informed her that Det. Taylor was closing the case because he believed Jane Doe was lying.

38. On March 26<sup>th</sup>, Ms. Boals asked Det. Taylor why he had closed the case, and Det. Taylor responded that he thought Jane Doe was a “liar” who was “lying her little butt off.”

39. In response, Ms. Boals told Det. Taylor that Jane Doe had been a prior victim of abuse, making her a likely target for future abuse, and she further pointed out that Jane Doe had not received any of the services that are provided to minor victims at CARES (such as a forensic interview, medical exam, specialized team response and referrals for counseling services). As such, Ms. Boals asked Det. Taylor to reconsider his decision, and send her for services at CARES. Det. Taylor refused, stating he was sure she was lying.

40. Later that day (on March 26<sup>th</sup>), Ms. Boals went up the chain of command and reported Det. Taylor’s conduct to her supervisor, Sergeant Doug Gately. During her conversation with Sgt. Gately, Ms. Boals reported that Det. Taylor had called Jane Doe a “liar” who was “lying her little butt off,” and that he had refused to set up a forensic, CARES interview. Although Ms. Boals tried to explain why CARES interviews are an appropriate and a necessary part of the investigative process (and indeed, why they are standard operating procedure), Sgt. Gately became very belligerent and yelled at Ms. Boals, “Do you think you’re a detective?” The meeting ended with Ms. Boals in tears.

41. The following workday, Monday, March 29<sup>th</sup>, Ms. Boals continued up the chain of command and reported Det. Taylor’s conduct to Lieutenant Charles Gentry. She brought in CCSO policy and SOPs for child abuse investigations and demonstrated how Det. Taylor’s conduct violated both. In response, Lt. Gentry informed Ms. Boals that it was the detective’s choice to determine whether to utilize a forensic interview, and that detectives were not required to follow the SOP.

42. At the March 29<sup>th</sup> meeting, Lt. Gentry also informed Ms. Boals that she and the other VWC could no longer schedule forensic CARES interviews. Instead, from March 29<sup>th</sup> forward, scheduling CARES and other forensic interviews would lie solely within the purview of the detective assigned to the case.

43. During that same meeting, Lt. Gentry informed Ms. Boals that Jane Doe had not been lying after all. To the contrary, the suspect had come into the station over the weekend and had given a full confession, admitting that he had raped Jane Doe. Learning this just reinforced Ms. Boals' concerns that victims' rights, including Jane Doe's, were being violated.

44. Because Sgt. Gately and Lt. Gentry appeared unconcerned about Det. Taylor's policy/SOP violations and his concomitant violation of Idaho statute and constitution, Ms. Boals approached Sheriff Donahue on March 31<sup>st</sup> and shared her concerns. During that meeting, Ms. Boals discussed how Det. Taylor had handled Jane Doe's case (and violated several CCSO SOPs during the process), and she further notified Sheriff Donahue that this mistreatment of female victims was not new.

#### **CCSO's Retaliation, Discrimination and Harassment**

45. A few days after Ms. Boals reported Det. Taylor's violations of victims' rights to Sheriff Donahue, Sgt. Gately and Lt. Gentry called Ms. Boals into a meeting and disciplined her, supposedly for going outside the chain of command.

46. Immediately after this meeting, Sgt. Gately started to ignore Ms. Boals. Before late March/early April 2021, Ms. Boals and Sgt. Gately had been on friendly terms and frequently had cordial conversations.

47. Ms. Boals took leave for hip surgery from late April until early June 2021.

48. When Ms. Boals returned to work in early June 2021, Sgt. Gately and Lt. Gentry started to harass, discriminate and retaliate against Ms. Boals on an almost daily basis. They also set limitations on Ms. Boals that made it significantly more difficult for her to do her job and provide services to victims, the vast majority of which were female.

**Sgt. Gately's Micromanagement of Ms. Boals' Schedule and Work**

49. Starting in June 2021, Sgt. Gately started to micromanage Ms. Boals' schedule.

50. For Ms. Boals' 15-year tenure at CCSO, her work schedule had always been from 10 a.m. to 6 p.m.

51. However, she had several duties that took her out of the office several days a week, such as attending CARES interviews or medical exams, going to court with victims, and holding victim meetings. Indeed, in 2021 alone, Ms. Boals spent almost 350 hours attending CARES interviews (many of which were held at 8 a.m. or 10 a.m.), had 76 victim appointments, attended approximately 50 court hearings, and had 33 call-out emergencies.

52. As such, in 2021, Ms. Boals had events almost every day that either happened outside of the office and/or outside of work hours.

53. Ms. Boals kept a detailed schedule on her calendar, which was available to her supervisors at all times. Ms. Boals' supervisors knew where she was and what she was doing during work hours (as well as before and after work hours).

54. Despite this, when Ms. Boals returned to work in early June 2021, Lt. Gentry and Sgt. Gately informed Ms. Boals that she had to be "at her desk" at 10 a.m.

55. Ms. Boals had never been strapped to her desk, and placing this requirement on Ms. Boals made it much more difficult to do her job because it impeded her ability to attend CARES interviews, court hearings and victim meetings.

56. When Ms. Boals returned to work in June 2021, Sgt. Gately also started micromanaging the work-related duties she performed outside of the office.

57. For example, over her 15-year tenure at CCSO, Ms. Boals frequently did work-related tasks before or on her way to work (such as picking up gas cards or groceries for victims, going to meetings with partner agencies, and/or going to the crime lab or training center).

58. Notwithstanding this long-held practice, Sgt. Gately told Ms. Boals in June 2021 that she had to start “checking in” at the office before she went anywhere else, and he expected Ms. Boals to inform him and ask permission whenever she had activities that took her out of the office.

59. In her 15-year tenure at CCSO, Ms. Boals had never been expected to run such minor things past a supervisor.

60. In August 2021, Sgt Gately gave Ms. Boals an annual evaluation that was much worse than any she had received during her tenure at CCSO.

61. In that evaluation, Sgt. Gately faulted Ms. Boals for reporting Det. Taylor’s illegal misconduct to Sheriff Donahue in March 2021 stating she had “jumped the chain of command,” which was “not favorable to herself or the team”.

62. Sgt. Gately also gave Ms. Boals a lower-than-normal score, claiming that Ms. Boals was “late to work” 13 times in June and July because she was not “at her desk” at 10 a.m. However, on several of these occasions, Ms. Boals had been attending to job-related duties outside of the office (such as going to the crime lab or training center), and Sgt. Gately contended that she was late because she had not asked permission prior thereto. Ms. Boals had never been disciplined for conducting work-related tasks outside of the office (in lieu of being “at her desk” at 10 a.m.).

63. Male employees of CCSO rarely had their hours scrutinized, and they were not questioned when they left the office to do work-related activities. To the contrary, male detectives frequently left the office to perform work-related tasks, go to the gym or even go for a walk. Yet these detectives were not disciplined or marked down on their annual evaluations for leaving the office, nor were they instructed to inform their supervisors or ask permission prior to doing so.

64. Female employees of CCSO (especially female detectives and secretaries) did have their hours scrutinized, and they were micromanaged when they left work. For example, during Ms. Boals' tenure, one female detective was frequently badgered and harassed for going to the gym during work hours, and in September 2021, another female detective reported that "every aspect of [her] day was scrutinized and monitored by Sgt. Gately" after he became her supervisor in February 2021.

**Lt. Gentry's and Sgt. Gately's Prohibition against "After-Hours" Work**

65. Starting in June 2021, Lt. Gentry and Sgt. Gately also interfered with Ms. Boals' ability to communicate with her victims and her ability to provide guidance to patrol regarding victim services.

66. CCSO has "on-call" protocols for VWCs. Pursuant to those protocols, VWCs are supposed to provide "immediate crisis intervention and advocacy services for traumatized victims, witnesses and survivors of serious crimes," and detectives and patrol sergeants may contact VWCs to assist at the scene when necessary to provide victim services.

67. As such, throughout Ms. Boals' tenure with CCSO, patrol that needed assistance with a victim contacted Ms. Boals directly, no matter what time it was.

68. This accessibility with patrol was paramount to Ms. Boals' job, as it ensured that victims received appropriate treatment and services from the very beginning of a case. Indeed, the

first 24-hours after a domestic violence incident or sexual assault is crucial for victims, and during that timeframe, it is imperative that a victim receive crisis response (such as discussing her individual concerns and fears, setting up safety planning, assisting with a no-contact order, assisting with jail phone calls from the offender, and arranging medical assistance). These immediate services allow the VWC to create trust and rapport with a victim and they allow a victim to feel some semblance of safety, which in turn helps secure the victim's cooperation in the investigation and prosecution of the crime.

69. For these same reasons, Ms. Boals had always been allowed to speak to her victims and return their phone calls before and after work. In fact, Ms. Boals spoke to her fragile victims on a regular basis, and doing so was paramount to Ms. Boals' job because it allowed her to maintain rapport and trust with her victims.

70. Despite the foregoing, in approximately June 2021, Lt. Gentry informed Ms. Boals that she could not answer or return a victim's call or text after 6 p.m. Although Ms. Boals explained to him that this would hamper her ability to do her job because it would diminish her rapport or trust with victims, Lt. Gentry told Ms. Boals that she was to instruct her victims that they were supposed to call patrol if they needed anything after 6 p.m.

71. At around this same time, Sgt. Gately instructed patrol that if they needed to reach Ms. Boals after 6 p.m. to assist with victim services, patrol was supposed to call Ms. Boals once (and only once). If Ms. Boals did not pick up, patrol was supposed to leave a message and not try to call Ms. Boals back, even if the patrol required immediate victim assistance.

72. This new directive – where victims were routed to patrol after 6 p.m. and patrol was then limited in its ability to contact Ms. Boals for assistance to victims – interfered with Ms. Boals'

ability to help protect victims' rights, and because the vast majority of victims that Ms. Boals served were women, these limitations uniquely and negatively affected women more than men.

73. Furthermore, Lt. Gentry and Sgt. Gately used this new directive to discipline Ms. Boals. For example, at 10 p.m. on Sunday, June 27, 2021, Ms. Boals received a phone call from Sgt. Gately, who needed victim assistance with a call. Ms. Boals, who had been in the bath, called Sgt. Gately back within approximately 30 minutes. However, Sgt. Gately verbally reprimanded Ms. Boals for missing his phone call, and he informed her that he had called the other VWC when Ms. Boals did not pick up the phone.

74. In her 15-year tenure at CCSO, Ms. Boals had never been disciplined or reprimanded for missing a call and calling back within 30 minutes.

#### VINE

75. Starting in June 2021, Lt. Gentry and Sgt. Gately also tried to interfere with Ms. Boals' ability to provide her victims with statutorily- and constitutionally-required information.

76. Under Idaho statute and the Idaho Constitution, victims shall be notified when a suspect is released or escapes from jail or prison. *See* Idaho Code §19-5306; Idaho Const., Art. 1, §22.

77. Canyon County has a system, entitled VINE (Victim Information Notification Everyday), that notifies victims through text, email or phone if a suspect is being released or escapes from custody.

78. Ms. Boals was the VINE Administrator for Canyon County from 2007 through November 2021.

79. The VINE system has upgrades, bugs or goes offline approximately once every one to two years, for approximately 6 to 8 weeks at a time (sometimes longer). When that happened



during Ms. Boals' tenure, she contacted victims manually to provide them with the statutorily and constitutionally required information. In fact, Ms. Boals has received awards from CCSO for her work on VINE.

80. VINE was a large part of Ms. Boals' job. For example, in 2021 alone, Ms. Boals spent over 300 hours working on VINE notifications and inputting victims into the VINE system.

81. However, when Ms. Boals returned to work in June 2021, Sgt. Gately informed her that she would no longer be the VINE Administrator for Canyon County, and he proposed that new employees (Ad-techs) at the Canyon County Jail be responsible for notifying victims when suspects had been released or escaped from custody.

82. Shortly after informing Ms. Boals of his decision, Sgt. Gately held a meeting with Ms. Boals and the jail Lieutenant to discuss the new process. The jail Lieutenant strongly objected to Sgt. Gately's decision, and because of his advocacy it was determined that Ms. Boals would continue her duties as VINE Administrator. Sgt. Gately was so angry at the decision that he left the meeting abruptly without speaking.

**Further Discrimination, Harassment and Retaliation**  
**Causing Delay in Services to Female Victims**

83. Throughout the summer of 2021, Sgt. Gately and Lt. Gentry continued to nitpick Ms. Boals' work, micromanage her and reprimand her for things that had never been an issue prior to her report of Det. Taylor's illegal misconduct.

84. For example, in July or August 2021, Sgt. Gately attended a meeting with the entire CID team. At that meeting, Ms. Boals notified the team that she had received a high-risk domestic violence referral case from Nampa Police Department ("Nampa PD"), and she would be reaching out to the victim (who was a female) as soon as possible. Sgt. Gately became very belligerent and

yelled at Ms. Boals in front of the entire team, screaming at her that she could not contact the victim until CCSO had received Nampa PD's police report.

85. In her 15-year tenure at CCSO, Ms. Boals had never been disciplined or reprimanded for reaching out to a victim before she had received the police report. In fact, before this meeting, it had been standard practice for Ms. Boals to contact a victim prior to having a police report.

86. Furthermore, this new rule – that CCSO had to receive the police report before Ms. Boals could contact the victim – caused a delay of several days wherein the victim did not receive necessary and appropriate victim services.

87. Similarly, in mid-August 2021, Ms. Boals was assigned to a sexual assault case involving a female victim. The detective assigned to the case was going to be on vacation hunting for several weeks and was therefore unable to arrange a CARES interview. When Ms. Boals asked the detective if she should schedule the CARES interview (because he would be gone), the detective apologized, and said, "I better not. The victim will just have to wait until I get back from vacation."

88. In other words, because Sgt. Gately and Lt. Gentry forbade Ms. Boals from scheduling CARES interviews, a female victim of sexual assault was forced to wait at least a month before she could attend such an interview, which in turn unnecessarily delayed victim services as well as the investigation and prosecution of her case.

**Lt. Gentry's Prohibition against Working with Partner Agencies**

89. As set forth above, Ms. Boals founded CCSO's Victim Witness Unit in approximately 2006, and she brought the program from its infancy to one that was admired throughout the state.

90. As part of these efforts, Ms. Boals created and established ties with many partner agencies within the state, such as Nampa Family Justice Center, Deseret Industries (a grant provider), and Hope's Door (an emergency shelter for victims of domestic abuse and sexual assault).

91. Throughout Ms. Boals' career at CCSO, she had always been allowed to work on victims' rights projects with partner agencies during work hours, and indeed, Sheriff Donahue had always encouraged her to do so.

92. For example, during Ms. Boals' tenure at CCSO, she: represented CCSO on the Canyon County Domestic Violence taskforce; was the Chairperson for October Domestic Violence Awareness Month Proclamation; was the Chairperson for the Start by Believing Proclamation; was a team member of the Child Abuse Awareness Month; was the President of the Canyon County Deputies Association; facilitated and planned the Idaho Victim Witness Association annual training for over 12 years; and partnered with the Nampa Family Justice Center and Hope's Door in a campaign to raise awareness about the history of violence against women.

93. Notwithstanding the foregoing, in September 2021, Lt. Gentry dubbed these partner activities "outside activities." He instructed Ms. Boals that she could no longer spend time building relationships or doing projects with partner agencies on CCSO time, and instead she had to do that work after hours.

### **Ms. Boals' Constructive Discharge**

94. Desperate to stop the harassment and retaliation and restore the necessary processes/systems for protecting victims' rights, Ms. Boals sent Sheriff Donahue an email on October 3, 2021. In that email, she outlined the retaliation, harassment and discrimination that Lt.

Gentry and Sgt. Gately had subjected her to, and she further outlined the ways in which victim services had been limited and diminished (and how victims were suffering as a result). Ms. Boals noted:

Our success with our victim services have been highlighted all over Idaho and the country. . . . However, now our victims wait days and weeks for a forensic interview because Victim Witness is unable to get an appointment set on the CARES calendar. Our victims no longer can be served after hours, unless they have significant injuries. . . .

I continue to wonder if CCSO is attempting to get rid of Victim Services [and I] have wondered if [my] supervisors were trying to encourage [me] to resign.

95. Additionally, Ms. Boals also made clear in her October 3<sup>rd</sup> email that the discrimination, harassment retaliation she had suffered was gender-based, stating as follows:

I have never felt more attacked, I have never cried more tears and felt utterly devastated in the past 15 years at the Canyon County Sheriff's Office than I have since March 2021. I realize that I will never be "one of the boys," I am not on SWAT, I have no rank and I am a woman in a man's world. I don't see such criticism to other CID team members. However, it is not in my nature to be treated in this manner. I am not the type to go to Human Resource or file a law suit, so my last resort was reaching out to you. . . .

I realize that I might be written up for reaching out to you. . . . I can't continue to feel so devastated and frustrated. It has been an honor to work for the Canyon County Sheriff's Office. It has been the most difficult, but rewarding work I have ever been involved in. I appreciate all you have done for me personally and have tried desperately to remain positive and cheerful, but I cannot continue to be torn down daily and watch our incredible victim services diminish.

96. Sheriff Donahue responded to Ms. Boals' email, stating that he would be meeting with the Chief and the Captain and was taking her concerns seriously.

97. However, unbeknown to Ms. Boals on October 15<sup>th</sup>, Sheriff Donahue arranged a meeting with the secretary and a member of the Canyon County Deputies Association. He excluded Ms. Boals from the meeting, even though she was President of the Association.

98. Upon information and belief, at the meeting, Sheriff Donahue falsely accused Ms. Boals of spending \$10,000 on a single victim (which was not accurate, as demonstrated by the Association's bank records), and he told the Association secretary and member to "reign her in" and take her off the victims' services account.

99. A few days later, on October 18<sup>th</sup>, Sheriff Donahue and CCSO Chief Marv Dashiell met with Ms. Boals, in a supposed attempt to address her concerns. Ms. Boals left the meeting feeling better about the situation, and she was hopeful that the discrimination, harassment and retaliation would improve and that CCSO's provision of victim service would get better.

100. However, on October 25, 2021, Ms. Boals received a letter from Sheriff Donahue as a follow up to their October 18<sup>th</sup> meeting. In that letter, Sheriff Donahue doubled down on the retaliation, harassment and discrimination that had been perpetrated by Lt. Gentry and Sgt Gately. In the letter, Sheriff Donahue instructed Ms. Boals:

- a. "[Y]ou will report to duty at CCSO Detective Division at 1000 hours each work day. If you are not able to be at work at 1000 hours you will contact Lt. Gentry by phone and explain why and if you are conducting CCSO business, where that location is and with whom you are meeting";
- b. "CCSO employees are expected to follow the chain of command"; and
- c. "CCSO relies on communication between staff members with complementary but not identical job duties to ensure all decisions are made within the appropriate scope of their respective employment duties . . . [but] in the field, a detective's decision is controlling."

101. In the October 25<sup>th</sup> letter, Sheriff Donahue also falsely accused Ms. Boals of hosting a "birthday party" for an inmate.

102. Earlier in the Fall 2021, Ms. Boals had been assigned a strangulation victim who exhibited signs of being a victim of human trafficking.

103. On October 18<sup>th</sup>, the victim (who was in custody for drug possession) testified at a preliminary hearing, and after the hearing, Ms. Boals met with her to discuss victim services that were available to victims of human trafficking. During that meeting, Ms. Boals gave the victim a brownie and a soda, and knowing it had been the victim's birthday the day before, Ms. Boals put an unlit candle in the brownie and wished her happy birthday.

104. Throughout Ms. Boals' career at CCSO, she had frequently provided food and drinks to victims to make them feel comfortable during victim interviews, and CID even had a refrigerator specifically dedicated to that purpose.

105. Prior to October 2021, Ms. Boals had never been disciplined for providing snacks and drinks to victims, and indeed, detectives frequently provided *suspects* with cigarettes and sodas to help them calm down.

106. Despite the foregoing, in his October 25<sup>th</sup> letter, Sheriff Donahue informed Ms. Boals that "the inmate birthday celebration" was "more than enough to justify the immediate for-cause termination of your employment." The Sheriff also noted that Lt. Gentry had accused Ms. Boals of lying.

107. Sheriff Donahue threatened to open a formal investigation and subject Ms. Boals to a polygraph examination, but he stated he was willing to "withhold a final disciplinary decision on the birthday celebration issue" if (and only if) Ms. Boals agreed to be bound by the mandates outlined in his October 25<sup>th</sup> letter.

108. Given the explicit threats to her continued employment, Ms. Boals had no choice but to agree to the mandates in the Sheriff's October 25<sup>th</sup> letter.

109. However, she made one last effort to ask that the Sheriff intercede to stop the harassment and retaliation of her. On October 27<sup>th</sup>, Ms. Boals wrote an email to the Sheriff, in which she noted that: she had been the victim of illegal retaliation, harassment and discrimination; other female CCSO employees had also been subjected to similar retaliation, harassment and discrimination; and “being nit-picked and micromanaged and being treated differently than [her] male co-workers” had affected her morale and passion for her job.

110. On October 29, 2021, the Sheriff responded, again demanding compliance with the mandates set forth in his October 25<sup>th</sup> email, and stating “I remain willing to move to a more formal investigation process if you disagree.” Given the Sheriff’s former communications, Ms. Boals understood that moving to a formal investigation process meant she would be investigated.

111. During the Fall of 2021, Ms. Boals had been suffering extreme anxiety and depression as a result of her job, and Sheriff Donahue’s October communications with Ms. Boals exacerbated her anxiety and depression.

112. As such, on November 1, 2021, Ms. Boals went to her doctor, who told her: “you can either choose your health or this job, but you can’t choose both.”

113. Ms. Boals applied for FMLA leave, and CCSO approved such leave, effective November 1, 2021.

114. Knowing she could not return to work, Ms. Boals then retained attorneys to try and negotiate an amicable, official end to her employment from CCSO.

115. On November 19, 2021, Ms. Boals’ attorneys sent a letter to CCSO, outlining the harassment, discrimination and retaliation to which she had been subjected since March 2021.

116. On the evening of November 23<sup>rd</sup>, Ms. Boals received a text message from a Nampa PD dispatcher, who stated she had heard Ms. Boals had resigned and asked whether the “rumors were true” (or something to that effect).

117. Ms. Boals had not spoken to anyone at CCSO or Nampa PD about the status of her employment. As such, upon information and belief, officials at CCSO had informed people that Ms. Boals had “resigned.”

118. On or around November 24<sup>th</sup> or 25<sup>th</sup>, Ms. Boals started notifying CCSO employees that she had “resigned” effective November 19, 2021, because it was evident that CCSO would not rectify the illegal harassment, discrimination and retaliation that she and female victims had suffered. Indeed, it appeared that CCSO would prefer Ms. Boals resign, in lieu of rectifying her intolerable and discriminatory working conditions.

119. On November 24, 2021, CCSO sent a letter to Ms. Boals, in which CCSO notified Ms. Boals that she had been placed on leave with pay, so CCSO and Ms. Boals could discuss her “return to work or the amicable conclusion of [her] employment with CCSO.” In that letter, CCSO:

- a. Indicated that Ms. Boals was not allowed to return to work or the Canyon County Courthouse until she was cleared by the County to do so; and
- b. Asked Ms. Boals to return all County-issued property, including electronic devices, identification/access cards and other keys.

120. In mid-December 2021, CCSO cut off Ms. Boals’ access to her emails and other work-related databases.

121. Upon information and belief, at the same time, CCSO also instructed Canyon County Deputies Association to change its passwords so Ms. Boals could no longer access Association materials, even though Ms. Boals was ostensibly still President of the Association.



122. On January 26, 2022, CCSO issued a Pre-Termination letter to Ms. Boals, and her termination was effective January 28, 2022.

123. Upon information and belief, after Ms. Boals' termination, Sheriff Donahue and other Chiefs and Lieutenants at CCSO informed CCSO staff that Ms. Boals had been terminated from CCSO for insubordination and failing to follow orders.

**FIRST CAUSE OF ACTION**

**(Discrimination in the Terms and Conditions of Employment,  
in Violation of Section 1983 and the Equal Protection Clause of the U.S. Constitution,  
against CCSO and Sheriff Donahue in his individual capacity)**

124. Ms. Boals alleges and incorporates by reference all the paragraphs and allegations set forth above.

125. Defendants treated Ms. Boals differently because of her gender in the terms and conditions of her employment. This includes, but is not limited to:

- a. Micromanaging Ms. Boals' work hours;
- b. Requiring Ms. Boals to "check in" at the office in the morning before she went anywhere else;
- c. Requiring Ms. Boals to inform Sgt. Gately and ask his permission whenever she had activities that took her out of the office;
- d. Giving Ms. Boals a lower-than-normal score on her 2021 evaluation, in part because she had not been "at her desk" at 10 a.m. on certain days in June and July (even though she had been conducting work-related duties outside of the office on most of those days);
- e. Reprimanding and disciplining Ms. Boals for things that had never been an issue before (like not being "at her desk" at 10 a.m., missing a call and calling back within

30 minutes, attempting to contact a victim before CCSO had the police report associated therewith, and providing a victim with food and drinks);

- f. Reprimanding and disciplining Ms. Boals for things that were not true (like falsely accusing her of misusing victim funds and holding a “birthday party” for an inmate); and
- g. Discharging (constructively or otherwise) Ms. Boals.

126. Additionally, Defendants placed restrictions and limitations upon Ms. Boals (which were not placed upon male employees), including but not limited to:

- a. Interfering with Ms. Boals’ ability to communicate with her victims;
- b. Impeding Ms. Boals’ ability to communicate with patrol regarding victim services;
- c. Attempting to interfere with Ms. Boals’ ability to provide her victims with statutorily- and constitutionally-required information; and
- d. Prohibiting Ms. Boals from working with partner agencies during work- hours.

127. These restrictions and limitations made it more difficult for Ms. Boals to do her job including protecting victims’ rights, and they diminished the victim services she could provide. Because the vast majority of victims that Ms. Boals served were women, these limitations and restrictions uniquely and negatively affected women more than men.

128. Additionally, Defendants failed and refused to redress the discrimination, harassment and retaliation to which Ms. Boals was subjected after March 2021. For example, Defendants failed to respond to Ms. Boals’ reports of Det. Taylor’s discriminatory mistreatment of female victims in March 2021, and her complaints about being treated differently than the men in October 2021.

129. By doing so, Defendants demonstrated a conscious failure to prevent discriminatory and abusive conditions created by Ms. Boals' fellow employees.

130. Sheriff Donahue and CCSO, by and through its administrators, acted under color of law with respect to the employment-related decisions outlined herein.

131. Furthermore, Sheriff Donahue and CCSO officials discriminated against Ms. Boals pursuant to a custom or policy of discriminating against women.

132. Indeed, Sheriff Donahue, who has final policymaking authority for CCSO, either made or ratified the employment-related decisions referenced above.

133. Furthermore, Sheriff Donahue and CCSO officials have a widespread practice of discriminating against its female employees in the terms and conditions of their employment.

134. For example, although male CCSO employees and detectives generally did not have their hours and work scrutinized, female employees (especially female detectives and secretaries) did. Indeed, as set forth above, Ms. Boals was micromanaged and nitpicked by Sgt. Gately; a female detective was badgered and harassed for going to the gym during work hours (even though male detectives frequently did the same thing); and in September 2021, another female detective reported that "every aspect of [her] day was scrutinized and monitored by Sgt. Gately" after he became her supervisor in February 2021.

135. Additionally, Sheriff Donahue and CCSO officials have a practice of valuing and trusting what its male employees say, while devaluing what its female employees say because they are too "emotional" to be trusted.

136. For example, in his October 25<sup>th</sup> letter to Ms. Boals, Sheriff Donahue stated as follows:

I am very concerned by the direction the Gentry-Boals relationship appears to be headed. You are telling me that the LT is being unduly hard on *you*, and the LT is

telling me that he believes you have misrepresented facts to his face about being on time and shutting down his visibility into your professional calendar.

Sheriff Donahue then threatened to polygraph Ms. Boals, and further stated: “[I am] debating whether to refer you to EAP for whatever confidential assistance that entity can provide any employee experiencing duress – and as a long-time colleague, I do believe you are experiencing duress.”

137. Ms. Boals’ experience was not unique. For example, in September 2021, a female detective reported as follows:

During [the Spring and Summer of 2021], my own direct observations of events was scrutinized, and I was told that I did not witness what I reported to have witnessed. This came from [Lt.] Gentry and [Sgt.] Gately who both admitted they did not directly witness the same events, in fact they admitted they weren’t even present at the office; it had just been reported to them as happening differently by [Det.] Taylor. I was made to feel like my observations were not legitimate and I could not correctly understand things I observed because I was an emotional female.

138. Given that Sheriff Donahue and other CCSO officials tend to believe their male employees over their female employees, CCSO has a practice of incorrectly disciplining female employees for things they did not actually do and failing to discipline male employees.

139. For example, Sheriff Donahue threatened to terminate Ms. Boals on the false accusation that she had held a “birthday party” for an inmate. And another female detective reported that Det. Taylor and Sgt. Gately wrote down certain statements that they attributed to her, for which she was later counseled by Lt. Gentry and Sgt. Gately, even though she had not made several of the statements.

140. Finally, CCSO has a practice of disciplining and reprimanding female employees in situations in which it would not discipline a male employee.

141. For example, upon information and belief, no male employee of CCSO has been disciplined or reprimanded for missing a call and calling back within 30 minutes, attempting to contact a victim before CCSO had the police report associated therewith, or providing a victim (or even a suspect) with food and drinks.

142. Furthermore, in December 2020, a female detective was disciplined for exchanging text messages with a male colleague that were not work-related. The female detective was disciplined, and upon information and belief, her male colleague was not.

143. Defendants' discrimination against Ms. Boals was intentional, or in the alternative, Defendants acted with deliberate indifference toward its obligation to not discriminate against women in the workplace. Indeed, Defendants failed to enforce their own disciplinary, anti-harassment, anti-discrimination and anti-retaliation policies, and they responded to the discrimination, harassment and retaliation of Ms. Boals in a manner that was clearly unreasonable.

144. Defendants' conscious and deliberate refusal to protect Ms. Boals and other similarly situated employees violated her right to equal protection.

145. Defendants' conduct violated the clearly established constitutional rights of equal protection of which a reasonable person should have known.

146. As a result of Defendants' actions, Ms. Boals has suffered and continues to suffer damages such as lost compensation and benefits and emotional harm.

147. Plaintiff seeks all available damages against CCSO, including but not limited to lost pay and benefits, future lost pay and benefits, emotional distress and other compensatory damages and attorneys' fees and costs.

148. Plaintiff also seeks all available damages, including punitive damages, against Sheriff Donahue in his individual capacity, because his actions were taken in reckless disregard for Plaintiff's civil rights.

**SECOND CAUSE OF ACTION**

**(Hostile Work Environment, in Violation of Section 1983 and the Equal Protection Clause of the U.S. Constitution, against CCSO and Sheriff Donahue in his individual capacity)**

149. Ms. Boals alleges and incorporates by reference all the paragraphs and allegations set forth above.

150. As set forth above, Ms. Boals was subjected to insulting, humiliating and/or discriminatory conduct related to her gender.

151. Such conduct was unwelcomed.

152. The discriminatory and hostile acts described herein were severe and/or pervasive and altered Ms. Boals' conditions of her employment, making it more difficult for her to do her job, take pride in her work and desire to stay in her position.

153. Ms. Boals perceived the environment to be abusive or hostile.

154. A reasonable woman in Ms. Boals' position would consider the environment to be abusive or hostile.

155. Sheriff Donahue and CCSO, by and through its administrators, acted under color of law with respect to creating, maintaining and/or condoning a hostile work environment for Ms. Boals based on her gender and/or in retaliation for her protected activities.

156. Furthermore, Sheriff Donahue and CCSO officials subjected Ms. Boals to a hostile work environment pursuant to a custom or policy of discriminating against women.

157. Indeed, Sheriff Donahue, who has final policymaking authority for CCSO, either made or ratified the employment-related decisions referenced above.

158. Furthermore, as set forth above, Sheriff Donahue and CCSO officials have a widespread practice of discriminating against its female employees and/or creating a hostile work environment for them.

159. Defendants' creation of a hostile work environment was intentional, or in the alternative, Defendants acted with deliberate indifference toward its obligation to not subject employees to a hostile work environment on the basis of gender and/or for retaliatory reasons. Indeed, Defendants failed to enforce their own disciplinary, anti-harassment, anti-discrimination and anti-retaliation policies, and they responded to the discrimination, harassment and retaliation of Ms. Boals in a manner that was clearly unreasonable.

160. Defendants' conscious and deliberate refusal to protect Ms. Boals and other similarly situated employees from the hostile environment violated her right to equal protection.

161. Defendants' conduct violated the clearly established constitutional rights of equal protection of which a reasonable person should have known.

162. Ms. Boals has suffered and continues to suffer damages such as lost compensation and benefits and emotional harm.

163. Plaintiff seeks all available damages against CCSO, including but not limited to lost pay and benefits, future lost pay and benefits, emotional distress and other compensatory damages and attorneys' fees and costs.

164. Plaintiff also seeks all available damages, including punitive damages, against Sheriff Donahue in his individual capacity, because his actions were taken in reckless disregard for Plaintiff's civil rights.

**THIRD CAUSE OF ACTION**

**(Discriminatory Discharge in Violation of Section 1983 and the Equal Protection Clause of the U.S. Constitution, against CCSO and Sheriff Donahue in his individual capacity)**

165. Ms. Boals alleges and incorporates by reference all the paragraphs and allegations set forth above.

166. As set forth above, Ms. Boals was harassed and discriminated against based on her gender, and she was retaliated against when she reported illegal harassment and discrimination to her supervisors.

167. The harassment, discrimination and retaliation culminated in Ms. Boals' November 19, 2021 constructive discharge, because a reasonable person in her position would have felt forced to quit because of intolerable and discriminatory working conditions.

168. In the alternative, Defendants' used pretextual reasons to terminate Ms. Boals effective January 28, 2022 even though she was already out on leave attempting to negotiate a final, amicable separation with CCSO.

169. Sheriff Donahue and CCSO, by and through its administrators, acted under color of law with respect to Ms. Boals' termination/constructive discharge.

170. Furthermore, Sheriff Donahue and CCSO officials discharged Ms. Boals pursuant to a custom or policy of discriminating against women.

171. Indeed, Sheriff Donahue, who has final policymaking authority for CCSO, either made or ratified the decision to discharge Ms. Boals.

172. Furthermore, as set forth above, Sheriff Donahue and CCSO officials have a widespread practice of terminating women based on discriminatory and/or retaliatory animus.

173. Defendants' discrimination against Ms. Boals was intentional, or in the alternative, Defendants acted with deliberate indifference toward its obligation to not discharge women based



on discriminatory and/or retaliatory animus. Indeed, Defendants failed to enforce their own disciplinary, anti-harassment, anti-discrimination and anti-retaliation policies, and they responded to the discrimination, harassment and retaliation of Ms. Boals in a manner that was clearly unreasonable.

174. Defendants' conscious and deliberate refusal to protect Ms. Boals and other similarly situated employees violated her right to equal protection.

175. Defendants' conduct violated the clearly established constitutional rights of equal protection of which a reasonable person should have known.

176. Ms. Boals has suffered and continues to suffer damages such as lost compensation and benefits and emotional harm.

177. Plaintiff seeks all available damages against CCSO, including but not limited to lost pay and benefits, future lost pay and benefits, emotional distress and other compensatory damages and attorneys' fees and costs.

178. Plaintiff also seeks all available damages, including punitive damages, against Sheriff Donahue in his individual capacity, because his actions were taken in reckless disregard for Plaintiff's civil rights.

**FOURTH CAUSE OF ACTION**  
**(Retaliation in Violation of Section 1983 and**  
**the Equal Protection Clause of the U.S. Constitution, against CCSO)**

179. Ms. Boals alleges and incorporates by reference all the paragraphs and allegations set forth above.

180. Ms. Boals engaged in protected activity under Section 1983 and Equal Protection Clause when she reported Det. Taylor's mistreatment of female victims including violating their rights, and his disparate treatment of female victims versus male victims.

181. Ms. Boals also engaged in protected activity under Section 1983 and the Equal Protection Clause she objected to the restrictions and limitations placed upon her that interfered with her ability to provide victim services and protect victims' rights. Additionally, because the vast majority of victims that Ms. Boals served were women, these limitations and restrictions uniquely and negatively affected women more than men.

182. In response to raising these concerns, CCSO subjected her to a pattern of retaliatory behaviors, including but not limited to:

- a. Chastising and disciplining her for making complaints including stating she had “jumped the chain of command,” which was “not favorable to herself or the team”;
- b. Micromanaging Ms. Boals' work hours and work-related activities conducted outside of the office;
- c. Giving Ms. Boals a lower-than-normal score on her 2021 evaluation, stating that she had “jumped the chain of command,” which was “not favorable to herself or the team”;
- d. Interfering with Ms. Boals' ability to communicate with victims;
- e. Impeding Ms. Boals' ability to communicate with patrol regarding victim services;
- f. Attempting to interfere with Ms. Boals' ability to provide victims with statutorily- and constitutionally-required information;
- g. Reprimanding and disciplining Ms. Boals for things that had never been an issue before (like not being “at her desk” at 10 a.m., missing a call and calling back within 30 minutes, attempting to contact a victim before CCSO had the police report associated therewith, and providing a victim with food and drinks);
- h. Prohibiting Ms. Boals from working with partner agencies during work- hours;

- i. Holding a meeting with members of the Canyon County Deputies Association without Ms. Boals present, and falsely accusing Ms. Boals of misusing victim funds;
- j. Falsely accusing Ms. Boals of hosting a “birthday party” for an inmate;
- k. Threatening her employment, stating there was “more than enough to justify the immediate for-cause termination of your employment”;
- l. Threatening to open a “formal investigation” and subject Ms. Boals to a polygraph examination, but stating that Sheriff Donahue would “withhold a final disciplinary decision on the birthday celebration issue” if (and only if) she agreed to discriminatory and retaliatory mandates set forth by the Sheriff; and
- m. Discharging (constructively or otherwise) Ms. Boals.

183. There is a causal link between Ms. Boals’ protected activity and the adverse actions, pattern of discrimination and harassment she has suffered.

184. Sheriff Donahue and CCSO, by and through its administrators, acted under color of law with respect to the employment-related decisions outlined herein.

185. Sheriff Donahue and CCSO officials retaliated against Ms. Boals pursuant to a custom or policy of retaliation.

186. Indeed, Sheriff Donahue, who has final policymaking authority for CCSO, either made or ratified the employment-related decisions referenced above.

187. Furthermore, Sheriff Donahue and CCSO officials have a widespread practice of retaliating against women who report gender discrimination at work and gender bias in victim services.

188. For example, in September 2021, CCSO terminated a female detective shortly after she reported that: Det. Taylor was mistreating female victims; Sgt. Gately and Lt. Gentry were minimizing victim services (the majority of which were provided to women and girls); she was being undermined, micromanaged and scrutinized by Lt. Gentry and Sgt. Gately; and Lt. Gentry and Sgt. Gately were disciplining and reprimanding her for things she had not done.

189. Defendants' retaliation was intentional, or in the alternative, Defendants acted with deliberate indifference toward its obligation to not retaliate against employees who engage in protected activity. Indeed, Defendants failed to enforce their own disciplinary, anti-harassment, anti-discrimination and anti-retaliation policies, and they responded to the discrimination, harassment and retaliation of Ms. Boals in a manner that was clearly unreasonable.

190. Defendants' conscious and deliberate refusal to protect Ms. Boals and other similarly situated employees violated her right to equal protection.

191. Defendants' conduct violated the clearly established constitutional rights of equal protection of which a reasonable person should have known.

192. As a result of Defendants' actions, Ms. Boals has suffered and continues to suffer damages such as lost compensation and benefits and emotional harm.

193. Plaintiff seeks all available damages against CCSO, including but not limited to lost pay and benefits, future lost pay and benefits, emotional distress and other compensatory damages and attorneys' fees and costs.

**FIFTH CAUSE OF ACTION**  
**(Whistleblower Retaliation in Violation of IPPEA, against CCSO)**

194. Ms. Boals alleges and incorporates by reference all the paragraphs and allegations set forth above.

195. Defendant CCSO is an “employer” under the Idaho Protection of Public Employees Act, pursuant to Idaho Code § 6-2103(4)(a).

196. Ms. Boals engaged in protected activity under Idaho Code § 6-2104(1) and (3), when she:

- a. Communicated in good faith a violation or suspected violation of state and federal law to supervisors including but not limited to Sheriff Donahue; and
- b. Objected to directives that she reasonably believed violated state and federal laws.

197. Specifically, pursuant to Idaho Code and the Idaho Constitution, all victims of criminal or juvenile offenses shall be:

- c. “Treated with fairness, respect, dignity and privacy throughout the criminal justice process”;
  - d. “Entitled to a timely disposition of [her] case”; and
  - e. “Notified whenever the defendant or suspect is released or escapes from custody.”
- Idaho Code §19-5306; *see also* Idaho Const. Art. 1, §22.

198. Additionally, the Equal Protection Clause of the U.S. Constitution prohibits discrimination on the basis of gender, both in the workplace and in the provision of government services. *See* U.S. Const., Amend. XIV, §1.

199. Specifically, Ms. Boals engaged in protected activity under IPPEA when she reported Det. Taylor’s mistreatment of and suspected violations of female victims’ rights and his disparate treatment of female victims versus male victims.

200. Ms. Boals also engaged in protected activity under IPPEA when she objected to the restrictions and limitations placed upon her that interfered with her ability to provide victim services and protect victims’ rights. Additionally, because the vast majority of victims that Ms.

Boals served were women, these limitations and restrictions uniquely and negatively affected women more than men.

201. As a result of Ms. Boals' protected activity, CCSO took adverse actions against her in violation of Idaho Code §6-2104.

202. Specifically, after Ms. Boals engaged in protected activity, CCSO subjected her to a pattern of retaliatory behaviors, including but not limited to:

- a. Chastising and disciplining her for making complaints including stating she had “jumped the chain of command,” which was “not favorable to herself or the team”;
- b. Micromanaging Ms. Boals' work hours and work-related activities conducted outside of the office;
- c. Giving Ms. Boals a lower-than-normal score on her 2021 evaluation, stating that she had “jumped the chain of command,” which was “not favorable to herself or the team”;
- d. Interfering with Ms. Boals' ability to communicate with victims;
- e. Impeding Ms. Boals' ability to communicate with patrol regarding victim services;
- f. Attempting to interfere with Ms. Boals' ability to provide victims with statutorily- and constitutionally-required information;
- g. Reprimanding and disciplining Ms. Boals for things that had never been an issue before (like not being “at her desk” at 10 a.m., missing a call and calling back within 30 minutes, attempting to contact a victim before CCSO had the police report associated therewith, and providing a victim with food and drinks);
- h. Prohibiting Ms. Boals from working with partner agencies during work- hours;

- i. Holding a meeting with members of the Canyon County Deputies Association without Ms. Boals present, and falsely accusing Ms. Boals of misusing victim funds;
- j. Falsely accusing Ms. Boals of hosting a “birthday party” for an inmate;
- k. Threatening her employment, stating there was “more than enough to justify the immediate for-cause termination of your employment”;
- l. Threatening to open a “formal investigation” and subject Ms. Boals to a polygraph examination, but stating that Sheriff Donahue would “withhold a final disciplinary decision on the birthday celebration issue” if (and only if) she agreed to discriminatory and retaliatory mandates set forth by the Sheriff; and
- m. Discharging (constructively or otherwise) Ms. Boals.

203. Ms. Boals has been damaged as a result of CCSO’s retaliation. She is entitled to recover all resulting damages, including but not limited to lost pay and benefits, future lost pay and benefits, and emotional distress damages pursuant to Idaho Code § 6-2105.

204. Ms. Boals is also entitled to all reasonable attorney’s fees and costs incurred in bringing this action, pursuant to Idaho Code § 6-2105.

**WHEREFORE**, Plaintiff respectfully requests that the Court enter judgment in his favor and against Defendants, and award the following relief:

- a. Back pay and lost benefits, in amounts to be determined at trial;
- b. Compensatory (emotional distress) and consequential damages;
- c. Front pay and lost benefits in lieu of reinstatement;
- d. Pre-judgment and post-judgment interest at the highest lawful rate;

- e. Attorneys' fees and costs of this action, including expert witness fees, as appropriate;
- f. Punitive Damages where allowable;
- g. An award to offset any tax increase as a result of an award; and
- h. Any other such relief as justice allows.

**PLAINTIFF DEMANDS A JURY TRIAL ON ALL ISSUES SO TRIABLE.**

Dated this 22<sup>nd</sup> day of April, 2022

**STRINDBERG SCHOLNICK BIRCH  
HALLAM HARSTAD & THORNE**

/s/ Erika Birch

Kass Harstad

Erika Birch

*Attorneys for Plaintiff*