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Former deputy wins federal case

By SANNE SPECHT
Mail Tribune

A former Jackson County sheriff's deputy was awarded more than $200,000 by a federal jury Tuesday, in a case in which he claimed he was fired because of his 2009 arrest of a retired deputy near Gold Hill.

The jury in Medford's U.S. District Court deliberated for about two hours before unanimously deciding to award Jacob Franklin $209,492 in economic damages, said Franklin's Portland attorney, Charles Merten.

Franklin, 38, said he was fired April 7, 2009, because on March 31 he arrested Ron Oachs, a former sheriff's deputy and friend of his superior officers.

Franklin also said his law enforcement career has been ruined because of false information on an internal affairs investigation.

"They absolutely destroyed my name," Franklin said. "But today the jury concluded I was terminated because of who I arrested. Not because I arrested him."

Franklin said he had a short but exemplary record with the Jackson County Sheriff's Department until the day he stopped Oachs.

Oachs, a retired 20-year veteran of the same department, was stopped near exit 43 on Interstate 5 for endangering an emergency vehicle.

Oachs left his pickup, approached Franklin and refused to comply with his orders, Franklin said. When Oachs went to pull something out of the top pocket of his overalls, the two tussled.

"His hands went up to my face," Franklin said.

Another deputy witnessed the fray and helped subdue the 6-foot-2-inch, 265-pound Oachs, whom Franklin ultimately arrested for assault, battery, resisting arrest and interfering with a police officer, Merten said.

Franklin didn't know whether Oachs had a knife or a gun in his pocket. But his client knew the big man was angry and non-compliant, Merten said.

"It took two sets of handcuffs to contain Oachs," Merten said.

Franklin would soon discover that Oachs and his wife were friends with his superior officers. Over his objections, Franklin was ordered to release Oachs and remove all references to their fight, probable cause and anything that would be a problem for Oachs, Franklin said.

"I said, 'I'm not going to do it,'" Franklin said, adding his commanding officer said, "'You are going to do this.' So I took it all out."

Sheriff Mike Winters declined to be interviewed by the Mail Tribune, referring all comments to County Counsel Ryan Kirchoff, according to a sheriff's spokeswoman. Kirchoff was out of the office and did not immediately return a phone call late Tuesday afternoon.

According to court documents, Winters said Franklin showed a pattern of violating state law in his traffic stops and overaggressive behavior during his arrests.

Earlier that year, Franklin had made a traffic stop on state Sen. Doug Whitsett, R-Klamath Falls, illegally ordering him to remain in his vehicle. The senator complained about Franklin to Winters, who said he instructed his deputy that "under Oregon law, motorists could get out of their vehicles during traffic stops, and absent unusual circumstances, law enforcement officials have no lawful authority to order motorists back inside their vehicles," Winters said in his court deposition.

Winters said Oachs was retired before Winters was elected sheriff. He said he reviewed the video of Franklin's traffic stop of Oachs "a number of times." Oachs was out of his vehicle, should have been more compliant and was visibly irritated. But Franklin crossed the line with his actions, Winters said.

When Oachs was searching for his license, Franklin "abruptly grabbed him without warning and attempted to forcibly take him to the ground," Winters said.

"I could hardly believe what I saw in the video," Winters said.

Winters said in court documents Oachs threatened to sue Jackson County. "Since I firmly believed (Franklin) violated Oachs' Fourth Amendment rights and that a judge and jury would find in Oachs' favor at trial, I elected to have county counsel settle Oachs' claim expeditiously and in order to avoid a lawsuit and the added taxpayer expense associated therewith."

Oachs was paid $30,000 in a July 2009 settlement, Merten said.

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>
> **Jacob Franklin, former deputy, Jackson County Sheriff's Department**

Merten said it was the police video, along with witness testimony and other evidence, that persuaded the jury to rule in Franklin's favor.

The internal affairs investigation contained retaliatory information that was added after Franklin was terminated, and in violation of court orders that the document be sealed, Merten said.

"I told the jury it was bull," he said.

Franklin has a wife and four sons. He has been unable to find work as a police officer because the allegations in the internal affairs investigation continue to shadow him.

"They created this to protect themselves," Franklin said. "... And the only way they could do that was to destroy me."

Reach Sanne Specht at 541-776-4497 or email sspecht@mailtribune.com