

WASHINGTON COUNTY

Deputies named in federal lawsuit

Plaintiff claims failure to arrest led to her mother's slaying

By DOUG BURKHARDT
The Hillsboro Tribune

Alleging that deputies with the Washington County Sheriff's Office erred by failing to arrest a domestic violence suspect, the daughter of a murder victim has filed a lawsuit in U.S. District Court in Portland against the deputies and WCSO.

The case stems from a murder-suicide that took place on May 26, 2013. On that date, deputies responded to a domestic violence call at 5355 S.W. River Road south of Hillsboro. Kenneth Van Patten, 61, had allegedly been arguing with his wife, Melinda Van Patten, 56. At that time, according to WCSO spokesman Sgt. Bob Ray, no crime had been committed. There was no physical violence, Ray said, so deputies could not

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make an arrest.

Later that evening, Kenneth Van Patten shot and killed his wife. He also shot and wounded a male roommate who was living at their house before killing himself with a gunshot to the head.

In a lawsuit filed by attorney Michelle Burrows on May 22 on behalf of plaintiff Melissa Van Patten, daughter of Melinda and Kenneth Van Patten, the plaintiff alleged that the three deputies who responded to the call "knew of previous domestic violence calls between the two and on this date knew that Mr. Van Patten had assaulted his wife but failed to arrest him as is mandatory under Oregon law."

The lawsuit further alleged that "as a result of their failure to protect the victim of domestic violence, Mr. Van Patten shot and killed Mrs. Van Patten that evening."

The lawsuit also claims that "the law enforcement officers named herein had a mandatory duty to arrest Mr. Van Patten when the allegations of this abuse of his wife were known," read an excerpt from the filing in District Court. "These officers had knowledge of the other calls for service at the residence and were aware of the claims of

Melinda Van Patten that her husband had attacked her and that she was afraid of him. Her blunt fear as expressed to the officers was that he was going to kill her and was unstable ... the state of Oregon has imposed a special duty on law enforcement to protect the victims of domestic violence with the understanding that these cases often involved highly volatile and dangerous situations."

In her legal claim, Melissa Van Patten and attorney Burrows charged that the actions of the three deputies "was well below the standard of law described herein," and requested that a jury hear the case.

"The failure of the officers to detain, arrest or otherwise intervene with Kenneth Van Patten caused the decedents' death and assault on other members of the public," the lawsuit summed up. "The extent of plaintiffs' damages will be more fully proven at trial."

WCSO officials declined to comment on the case.

"The county has a policy of not discussing open or pending lawsuits," Ray said on Tuesday.

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