

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

JAN L. CAHILL,

Plaintiff,

v.

Civil Action No.

**STATE OF WEST VIRGINIA,
WEST VIRGINIA DEPARTMENT OF
HOMELAND SECURITY, a West Virginia
governmental agency,**

Defendant.

COMPLAINT

COMES NOW, Plaintiff Jan L. Cahill, by the undersigned counsel, and for his Complaint states and alleges as follows based upon personal knowledge and/or information and belief:

PARTIES

1. Plaintiff Jan L. Cahill (“Plaintiff” or “Mr. Cahill”) was at all times relevant hereto a resident of Lewisburg, Greenbrier County, West Virginia.

2. Defendant State of West Virginia, West Virginia Department of Homeland Security, a West Virginia governmental agency (“WVDHS”) is a West Virginia cabinet department for the State of West Virginia.

3. Plaintiff was employed by WVDHS from beginning in January 2017 until on or about March 20, 2023 as a colonel or Superintendent of the West Virginia State Police.

JURISDICTION AND VENUE

4. Pursuant to W.Va. Code §55-17-3, notice of this action has been properly served upon the chief officer of the government agency defendants and the office of the West Virginia Attorney General on March 6, 2025.

5. Jurisdiction is proper in the Circuit Court of Kanawha County, West Virginia, pursuant to W.Va. Code §51-2-2 et. seq., and all applicable West Virginia law, because the acts and conduct giving rise to this occurred in this county and/or the defendants are either residents of this county, do business in the county, or are otherwise properly within the jurisdiction of this Court.

6. Venue for this action properly lies in Kanawha County under W.Va. Code §14-2-2.

FACTS

7. Plaintiff was at all times relevant hereto a public employee of Defendant.

8. Plaintiff was employed as a state trooper from approximately 1989 through January of 2012 when he retired from his position as Troop Commander over Troop 6.

9. During his time as a state trooper, Plaintiff performed field work the majority of the time, which included such duties as investigating motor vehicle accidents, obtaining help for injured individuals, addressing impaired drivers, murder investigations, and all types of criminal investigations, including but not limited to, white collar crime, larcenies, drug crimes, assaults, and homicides.

10. As head of the State Police, Plaintiff was responsible for budgeting; interacting with the legislature and the governor's office; internal policymaking; disciplining subordinates; training; employee promotions and transfers; and, attending special events.

11. During his 74 (seventy-four) month tenure as head of the State Police, Plaintiff accomplished many improvements to the operations of the State Police.

12. Mr. Cahill helped obtain substantial pay raises and improvement in retirement benefits.

13. Mr. Cahill managed to reduce the forensic laboratory backlog and implemented a career progression system for forensic lab personnel.

14. Mr. Cahill obtained equipment upgrades for uniformed officers, including new sidearms; tasers; enhanced armour and protective gear; and, body cameras.

15. Six classes of cadets were hired after a three-year hiring drought during Mr. Cahill's tenure.

16. Mr. Cahill was also able to implement a Computer Aided Dispatch system to replace an antiquated communications system that was being used.

17. In 2022, Mr. Cahill was selected by the FBI to attend their 45th Session of the National Executive Institute, which included training at the Police Scotland Academy.

18. Mr. Cahill was able to achieve all of these improvements despite the contentious relationships that developed during his tenure.

19. On January 6, 2017, a press release was issued announcing Mr. Cahill's appointment to as the State Police Superintendent.

20. That same day, Jeff Sandy ("Former Secretary Sandy"), who was appointed Cabinet Secretary of the West Virginia Department of Military Affairs and Public Safety ("DMAPS") Secretary by Governor Jim Justice in January 2017, called Mr. Cahill at his residence.

21. Former Secretary Sandy advised Mr. Cahill of the Former Secretary's visions, goals, and objectives for the State Police.

22. Former Secretary Sandy specifically addressed the West Virginia Intelligence/Fusion Center (“Fusion Center”) and his goal to have its powers expanded and merge the West Virginia State Police Intelligence Exchange (“WVIX”) into the Fusion Center.

23. The stated mission of the Fusion Center “is to collect, evaluate, analyze, and disseminate information and intelligence data regarding criminal and terrorist activity in the State of West Virginia while following Fair Information Practices to ensure the rights and privacy of citizens.”¹

24. Former Secretary Sandy also advised Mr. Cahill that the Former Secretary wanted the appointment as State Police Superintendent.

25. Mr. Cahill received another phone call from the then current chief of police of Parkersburg, Joe Martin.

26. Joe Martin informed Mr. Cahill that he was familiar with Jeff Sandy and stated that his opinion was that Jeff Sandy would try his best to use his position as Secretary to discredit, belittle, and generally undermine whoever was State Police Supervisor because Jeff Sandy wanted the position.

27. The friction between Mr. Cahill and Former Secretary Sandy began almost immediately as it appeared to Mr. Cahill that the Former Secretary believed he would be directing the state police rather than Mr. Cahill.

28. In a February 16, 2017 email to Mr. Cahill, Former Secretary Sandy expressed his frustration over Mr. Cahill’s refusal to “Deputize” him with the same powers as a State Police officer.

¹ <https://fusioncenter.wv.gov/> (accessed April 5, 2025).

29. Mr. Cahill had been advised by intelligence analysts with the WVIX, personnel from the FBI, and, an Intelligence Analyst with the West Virginia Southern District's United States Attorney's Office that a civilian operated Fusion Center should not act as a law enforcement agency without the oversight of the State Police.

30. In a March 19, 2017 email Former Secretary Sandy continued to express his frustration at Mr. Cahill's reluctance to accept Former Secretary Sandy's plans for the Fusion Center.

31. That same day, Former Secretary Sandy sent an email to Jerry Cole at the United States District Attorney's Office expressing his displeasure at Mr. Cole's opposition to the plans for the Fusion Center.

32. In early 2017, Former Secretary Sandy also advocated for the merger of the West Virginia State Police Campus Headquarters Campus with the West Virginia Air National Guard base at Yeager as he and Mr. Cahill needed a bunker bunker-like location to share in the event of a catastrophic event such as a natural disaster.

33. Former Secretary Sandy also requested a room at the State Police Academy; a stenciled parking space alongside troopers assigned to the executive protection detail at the Governor's mansion; and, inclusion on the State Police retired members' mailing list.

34. Former Secretary Sandy also wanted to set up a duplicative and competing digital forensics unit and a Narcotics Investigative Unit in the Fusion Center, both of which already existed within the State Police.

35. During the Covid crisis, Former Secretary Sandy also wanted the Department of Homeland Security to distribute N95 masks and later, vaccines.

36. As the relationship between Mr. Cahill and Former Secretary Sandy deteriorated further, Former Secretary Sandy organized the School Safety Initiative to be under the jurisdiction of the Capitol Police, an agency that was tasked with handling the state capitol security needs.

37. Jack Chambers served as the Capitol Police Deputy Director during the initial phase of the School Safety Initiative.

38. Former Secretary Sandy did not want any State Police Involvement with the School Safety Initiative.

39. On March 5, 2018, Former Governor James Justice signed Executive Order Number 7-18 providing, in part, “That the West Virginia Intelligence/Fusion Center shall be the primary clearing house for the State of West Virginia for the collection of, the analysis of, and the proper distribution of information and actionable intelligence for the State.”

40. Further, the Order provided, in part, “That, for the purpose of collection of information, and for the vetting of, analyzing of, and proper dissemination of actionable intelligence, the West Virginia Intelligence/Fusion Center shall be recognized as a criminal justice entity.”

41. Former Secretary Sandy, with the assistance of Former Chief of Staff Brian Abraham (“Former Chief of Staff Abraham”), requested that the State Police help the Fusion Center obtain an Originating Agency Identifier number (“ORI”) and a Weapons Computer Terminal.

42. Based upon information and belief, Former Secretary Sandy and Former Chief of Staff Abraham communicated frequently regarding a merger of the Fusions Center and the WVIX with no State Police oversight.

43. During a meeting with the FBI, Former Chief of Staff Abraham was advised by the FBI representative that the State Police and the WVIX would act as the FBI's primary partner due to the compromise of a case by the Fusion Center in the past.

44. Former Chief of Staff Abraham was also advised by the FBI that Executive Order 7-18 was meaningless.

45. After this meeting, Former Chief of Staff Abraham appeared to be offended and embarrassed and appeared to be unhappy with the people who attended the meeting, including Mr. Cahill.

46. On March 20, 2018, an Internal Department Notice (2018-21) was distributed to the State Police informing them that their first and primary intelligence agency was WVIX.

47. Within days of the dissemination of this Notice, Former Chief of Staff Abraham and the Governor's Senior Advisor Bray Carey met with Mr. Cahill and the State Police General Counsel John Hoyer to complain about the Notice.

48. Mr. Cahill had to explain that the State Police were not refusing to work with the Fusion Center, but would rely primarily on WVIX.

49. During a 2020 Legislative Session, Former Chief of Staff Abraham continued to pursue the issuance of an ORI to the Fusion Center.

50. Deputy Secretary and General Legal Counsel for the Department of Homeland Security Thom Kirk provided testimony that indicated that there was a lack of an intelligence agency to collect and disseminate information, when, in fact, this was the exact purpose of the WVIX.

51. WVIX Director Bob Workman requested that that Jim Light, a former member of the State Police and former investigator be permitted to testify regarding the functions of WVIX to which Mr. Cahill agreed.

52. Based upon information and belief, after Mr. Light signed in to testify and was observed by Former Secretary Sandy and Deputy Thom Kirk, they informed Former Chief of Staff Abraham.

53. Former Chief of Staff Abraham contacted Mr. Cahill and told him that it would not be good for Mr. Cahill if Mr. Light testified.

54. Mr. Light did not testify.

55. Mr. Cahill and his colleagues believed that Former Chief of Staff Abraham wanted to bypass the State Police and have the ability to make direct criminal inquiries through the Fusion Center.

56. On January 25, 2021, Mr. Cahill and Major Reggie Patterson (“Major Patterson”) met with Former Chief of Staff Brian Abraham and during the meeting, Former Chief of Staff Abraham stated that the State Police could attribute their entire payroll to Covid under the CARES Act, but any money received would go to the Governor’s General Revenue.

57. During February of 2021, Major Patterson asked Mr. Cahill if he would meet with the State Police Comptroller and Director of Accounting Connie Grundy (MS. Grundy”) as she was concerned regarding the advice being given to her regarding the Covid reimbursements.

58. During the meeting, Ms. Grundy stated that the Governor’s Office was relying upon advice given by the consulting firm Binder Dijker Otte (“BDO”) which prepared guidelines that reimbursement was proper for personnel substantially devoted to Covid.

59. Ms. Grundy was concerned that the advised reimbursements were \$26,000,000 (Twenty-Six Million Dollars) while she calculated the reimbursements to total less than \$1,000,000 (One Million Dollars).

60. Ms. Grundy expressed her belief that the recommended amounts would be inconsistent with the provisions of the CARES Act.

61. Mr. Cahill advised Ms. Grundy to list the tangible costs such as gloves, masks, thermometers, sprayers, and cleaning supplies along with the payroll of those off from work due to Covid.

62. Ms. Grundy received a phone call from the Governor's Office regarding the low Covid reporting and responded that Mr. Cahill had instructed her to submit the particular amounts.

63. On February 23, 2021, Mr. Cahill received a telephone call from Former Chief of Staff Abraham who was irate regarding the low Covid reporting.

64. Former Chief of Staff Abraham directed Mr. Cahill to submit the entire payroll and Mr. Cahill complied with the directive.

65. Subsequently, Mr. Cahill contacted Former Secretary Sandy to explain the conflict and inquire about BDO and was informed that he believed BDO was reputable.

66. On May 14, 2021, Former Chief of Staff Abraham visited Mr. Cahill in his office regarding the conversation Mr. Cahill had with Former Secretary Sandy.

67. Former Secretary Sandy misrepresented Mr. Cahill's statements to Former Chief of Staff Abraham and Mr. Cahill informed him of this fact.

68. Former Secretary Abraham told him that the Governor had been informed of the statements and conveyed that Governor's sentiment that if Mr. Cahill believed fraud was being committed, Mr. Cahill should resign.

69. Former Chief of Staff Abraham advised Mr. Cahill that “he was either on the team or not” and should follow all of the Governor’s directives.

70. Mr. Cahill advised Former Secretary Abraham that he did not like his statements being misrepresented.

71. The next day, Mr. Cahill met with the Governor who appeared to be barely aware of the conflict regarding the Covid reporting.

72. Mr. Cahill advised the Governor that Former Secretary Sandy and Former Chief of Staff Abraham had misrepresented Mr. Cahill’s statements regarding the CARES Act funding. Mr. Cahill believed that the Governor was unconcerned about the conflict.

73. Former Chief of Staff Abraham again misrepresented to the Governor, events surrounding a meeting with the State Police and the firm Integrated Biometric Technology regarding the misunderstanding of the time and location of the meeting.

74. Mr. Cahill again talked to the Governor who informed him that Former Chief of Staff Abraham told the Governor that Mr. Cahill “was totally out of control and not a team player.”

75. Based upon information and belief, on July 25, 2022, Former Secretary Sandy received an anonymous letter regarding State Police corruption.

76. On February 15, 2023, Mr. Cahill and the State Police were blindsided by a news segment from WCHS in which an interview with Former Secretary was aired regarding scandal and corruption in the State Police.

77. Former Secretary Sandy stated that he had already confirmed and substantiated corruption with the State Police stemming from the anonymous letter.

78. After contacting the Governor a meeting was set up with Former Chief of Staff Abraham.

79. The meeting occurred on February 16, 2023, and, although Mr. Cahill was never given a copy of the anonymous letter, he was provided a call sheet regarding a situation that occurred at a Mardi Gras casino event two years earlier.

80. Mr. Cahill was never aware of a Mardi Gras casino event prior to the meeting.

81. The next week Former Secretary Sandy began sending requests to the State Police for various records for his investigation despite publicly announcing that the corruption had been substantiated.

82. On March 2, 2023, Former Chief of Staff Abraham authored a memorandum requesting text and email information for State Police Headquarters staff for Former Secretary Sandy's investigation.

83. On March 15, 2023, Former Chief of Staff Abraham issued a press release stating that Mr. Cahill had failed to follow through with the termination of the troopers involved in the Mardi Gras incident.

84. On or about March 19, 2023, Mr. Cahill learned that Former Chief of Staff Abraham intended to send Mr. Cahill a text advising Mr. Cahill that he was terminated from his position.

85. Mr. Cahill demanded to meet with the Governor the next morning.

86. The Governor advised Mr. Cahill that Former Chief of Staff Abraham and Former Secretary Sandy were demanding that Mr. Cahill be removed from his position.

87. The Governor cited both the Mardi Gras incident and the lawsuits arising out of the alleged recordings of women at the State Police Academy.

88. Mr. Cahill advised the Governor that the recording incidents occurred years earlier during the previous administration and based upon the lack of evidence remaining nothing could be done.

89. Mr. Cahill perceived that his position would be terminated at the request of Former Secretary Sandy and Former Chief of Staff Abraham and that the Governor would not accept any reasonable explanation for Mr. Cahill's actions.

90. Mr. Cahill resigned and/or was constructively discharge as State Police Superintendent on March 20, 2023, although his last date on all paperwork was March 15, 2023, unbeknownst to him.

91. No reasonable basis existed for his constructive discharge.

92. Mr. Cahill was replaced by Jack Chambers.

93. On March 20, 2023, West Virginia Public Broadcasting reported that Senate Finance Committee Chairman Eric Tarr requested that the Federal Office of the Inspector General investigate the handling of the CARES Act funding by the Governor's Office for Covid related expenses.

94. On March 22, 2023, Former Chief of Staff Abraham presented a televised Power Point presentation wherein he presented an inaccurate depiction of the Mardi Gras event.

95. One of the officers involved in the Mardi Gras event was exonerated by the West Virginia State Police Professional Standards Section and the other officer's actions were found to be suspicious at best.

96. Defendant is sued up to the limits of the insurance policy(s) that provides liability coverage for its actions and omissions, or as otherwise permitted by law.

CAUSES OF ACTION

COUNT I – CONSTRUCTIVE DISCHARGE

97. Plaintiff hereby incorporates by reference all preceding paragraphs as though fully set forth herein.

98. The actions of Former Chief of Staff Abraham and Former Secretary Sandy as set forth herein were knowingly designed to make Plaintiff's working conditions so intolerable that a reasonable person would be forced to resign.

99. Plaintiff's refusal to assist Former Chief of Staff Abraham and Former Secretary Sandy in an unwarranted expansion of the powers of the Fusion Center into a law enforcement agency and his questioning and initial refusal to comply with the reporting for the CARES Act Covid related expenses motivated these government agents to remove Mr. Cahill from his position as State Police Superintendent.

100. It was reasonably foreseeable to Former Chief of Staff Abraham and Former Secretary Sandy that Plaintiff would resign his position rather than submit to the intolerable working conditions created by them.

101. As a direct and proximate result of Former Chief of Staff Abraham and Former Secretary Sandy's actions, Plaintiff has suffered and will continue to suffer lost wages and benefits in an amount to be determined by the jury.

COUNT II – WHISTLEBLOWER RETALIATION

102. Plaintiff hereby incorporates by reference all preceding paragraphs as though fully set forth herein.

103. Plaintiff was constructively discharged based upon his reporting to the Governor of the claimed expenses under the CARES Act in violation of West Virginia Code Section 6C-1-3.

104. As Superintendent of the West Virginia State Police, Plaintiff was a public employee.

105. As a direct and proximate result of Plaintiff's report of the reporting of the CARES Act expenses and constructive discharge, Plaintiff has suffered and will continue to suffer lost wages and benefits in an amount to be determined by the jury.

WHEREFORE, Plaintiff demands judgment against Defendant and requests that the Court:

- a) Award all compensatory damages allowed by law;
- b) Grant any and all relief Plaintiff may be entitled to in law or equity; and,
- e) Grant any further relief this Honorable Court deems just and proper.

PLAINTIFF DEMANDS A TRIAL BY JURY.

JAN L. CAHILL

By Counsel

/s/ Stephen P. New

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