

Los Angeles Times

Sergeant Claims Cover-Up by LAPD

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OCT. 6, 2005 | 12 AM

TIMES STAFF WRITERS

A Los Angeles police sergeant who uncovered evidence casting doubt on a 20-year-old murder conviction said department supervisors prematurely ordered him to shut down his investigation and then retaliated against him when their “cover-up” unraveled, according to a complaint filed with the city.

Sgt. Jim Gavin alleges that he was removed from his position in internal affairs against his wishes and given a poor performance rating as a result of his investigation into the 1985 murder conviction of Bruce Lisker. Gavin’s complaint, filed in August, was rejected last month by the city, paving the way for a civil lawsuit, Gavin’s attorney, Cheryl R. Konell said Wednesday.

Gavin uncovered evidence that contradicted the prosecution’s case against Lisker, 40, now serving a life sentence for killing his 66-year-old mother, Dorka Lisker, in the family’s Sherman Oaks home March 10, 1983.

Gavin also expressed concern that the LAPD detective who originally investigated the murder might have prematurely dismissed a second suspect and later lied to state parole officials to prevent Lisker’s release from prison.

“Sergeant Gavin has been, and continues to be, retaliated against for being an ethical and diligent police officer,” according to the complaint. “Despite his efforts, or most likely because he uncovered several serious problems with the initial homicide investigation, Sergeant Gavin’s LAPD career is being derailed.”

In the complaint, Gavin identifies those responsible for the retaliation as Chief William J. Bratton, Deputy Chief Michael Berkow and more than half a dozen others at the rank of lieutenant or above.

“The conduct of some members of the LAPD during the Lisker investigation boldly illustrates the dishonesty that permeates the upper echelon of the department,” it states.

Los Angeles Police Department officials declined to comment.

Over the years, retaliation against officers who uncover or report the misconduct of fellow officers has been a well-documented problem at the LAPD. It has been cited in the 1991 Christopher Commission report and in a federal consent decree in 2000.

More recently, the Police Commission’s inspector general has criticized the LAPD for failing to fully investigate retaliation complaints, some of which end up costing the city millions of dollars to settle civil lawsuits.

In December 2003, the city paid nearly \$6 million to settle nine lawsuits filed by current and former LAPD officers alleging retaliation and to pay their legal fees. One former officer received nearly \$2 million to settle his claim that he was fired and suffered other retaliation after reporting apparent acts of excessive force by fellow officers.

Gavin’s wife, Carol, who also is an LAPD sergeant, filed her own claim with the city alleging that she too has been the target of workplace retaliation that was at least partially related to her husband’s investigation.

Gavin was working in internal affairs in June 2003 when he was assigned to investigate a complaint that Lisker filed from prison. He alleged that the lead detective in his case, Andrew Monsue, conducted a sloppy, dishonest investigation and years later lied in a letter to parole officials about the evidence in his case.

In the parole letter, Monsue claimed that new owners of the home where the murder took place had discovered about \$150 hidden in the attic above Lisker’s old bedroom. During Lisker’s trial, prosecutors said he killed his mother and stole cash from her purse, though police never located the missing money.

“This revelation confirmed our initial theory that Mr. Lisker had in fact robbed his mother,” Monsue wrote to the parole board. “He has clearly demonstrated what he is capable of and should never be released to prey on anyone else in the future.”

Lisker hired a private investigator to check out Monsue's claim and discovered that the new homeowner said neither he nor his wife had found any money or ever contacted Monsue about finding money.

Gavin confirmed that the homeowner had no knowledge of any money and he found no evidence that Monsue ever documented the alleged discovery in any department reports.

The Times, as part of a seven-month investigation into the case, found a court document in the county's archives showing that \$120 had been in her purse all along, tucked inside a side pocket of her wallet.

When Gavin delved deeper into the case, he concluded that Monsue had prematurely dismissed another suspect who had provided false information about his whereabouts at the time of the killing and had a history of violence.

As part of his investigation, Gavin also asked an LAPD evidence analyst to look at crime scene photos of footprints inside and outside the Lisker home.

The analyst made a startling discovery: A bloody footprint in the bathroom had not come from Lisker's shoes, as the prosecutor contended.

The new finding bolstered Lisker's claim that he had come home to find his mother beaten and near death, and that somebody else was responsible for the killing.

Examining autopsy photographs, Gavin said, he also noticed an apparent shoe impression on Dorka Lisker's head and planned to have it analyzed to see whether it matched Lisker's shoes or the mystery print in the bathroom.

But, according to his complaint, he was ordered to wrap up his investigation before he could follow up on the impression and pursue other avenues of investigation.

After The Times asked that an analysis of the impression on Dorka Lisker's head be performed, an LAPD analyst concluded that it did not match Lisker's shoes but was "similar in size and dimension" to the mysterious footprint in the bathroom. The FBI crime lab also concluded that the impression did not match Lisker's shoes.

Gavin said he was prohibited from turning over to prosecutors the work he had already done.

“After determining Lisker was convicted of, and imprisoned for, a crime he probably did not commit,” the complaint says, “Sergeant Gavin expected to deliver his investigative report and related documents to the district attorney’s office.... However, powerful members of the LAPD stopped him in his tracks.”

Gavin said one of his supervisors -- Lt. Mike Williams -- made his feelings about the case clear during a confrontational meeting last fall.

Lisker “is going to stay in prison,” Williams is quoted as saying as he allegedly pointed a finger in Gavin’s face. “Do you understand me, Sgt. Gavin? ”

Williams, now a captain, was out of town and unavailable for comment Wednesday. He has previously declined to discuss his role in the case.

After his investigation, Gavin’s complaint says, his performance evaluation reflected lower ratings than he had previously received in the areas of judgment, common sense, reliability and the effectiveness of his investigations.

When Gavin filed a grievance about the evaluation, one of his supervisors -- Det. Bob Vanina -- said he would have given him an even worse rating, particularly in the area of “team work,” the complaints says.

“My advice to Jim would be to take it and run,” Vanina allegedly said as part of a subsequent management review.

“The words and tone of Detective Vanina’s response, as well as the Performance Rating itself, made it crystal clear to Sergeant Gavin that he was being targeted for retaliation based upon his revealing and honest investigation of the Lisker complaint,” the complaint says.

Vanina could not immediately be reached for comment.

Gavin’s work, and further investigation by The Times, led the prosecutor who put Lisker in prison, Phillip Rabichow, to say earlier this year that he had developed “reasonable doubt” about Lisker’s guilt.

In July, a federal magistrate found that Lisker had made a “preliminary” case that “he is innocent of the crime for which he has been convicted.”

Based on that finding, the magistrate took a rare step by ordering a full evidentiary hearing in the case in December.

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