

CALIFORNIA

Officer testifies in LAPD retaliation case

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A decorated Los Angeles Police Department lieutenant once assigned to the internal affairs division testified in federal court this week that he was retaliated against by his superiors after he unearthed evidence undermining a decades-old murder conviction.

Jim Gavin is suing his department for allegedly waging a campaign of harassment against him and his police officer wife in the wake of his work on the case of convicted killer Bruce Lisker. Lisker was convicted of killing his mother in 1985 and sentenced to 16 years to life in prison.

Gavin was a sergeant in internal affairs five years ago when he received a complaint from Lisker alleging that he was the victim of a sloppy, dishonest investigation by an LAPD detective. Gavin began delving into the allegations and soon discovered evidence supporting Lisker's claim. For example, he found that bloody shoe prints, presumably left by the killer and attributed to Lisker at trial, did not match Lisker's shoes.

Gavin told jurors that after uncovering the potentially exculpatory evidence, he was ordered to cut short his investigation by his then-boss, Lt. Mike Williams, who has since been promoted to captain.

Gavin said he was initially told that discrepancies in Det. Andrew Monsue's original homicide investigation would be presented to the chief of police and the district attorney. When that didn't happen, Gavin said, he provided some of the information to Lisker's defense team and to reporters for the Los Angeles Times.

“I felt that there was a coverup, that it was being swept under the rug,” he testified.

After articles mentioning his role in the case appeared in The Times, Gavin said he was charged with official misconduct for leaking confidential information, threatened with a criminal charge, transferred out of internal affairs against his will and slighted in his annual performance evaluation. He said his wife, an LAPD sergeant, was also transferred against her will, given a new work schedule and harassed by co-workers and superiors.

Their family life, which had once centered around their four sons’ involvement in sports, was turned upside down by their new schedules and stress resulting from the alleged harassment at work, Gavin testified. He and his wife stopped going for runs together. He gained 50 pounds. She was so depressed that some days she wouldn’t bother getting out of bed.

During cross-examination Thursday, Deputy City Atty. Dan Aguilera, who is defending the Police Department, sought to portray Gavin as a bumbling, wannabe homicide detective who was unduly influenced by Lisker’s defense attorneys and private investigator. He suggested that Gavin, who earlier conceded he had no experience as a homicide investigator, failed to follow standard procedures for investigating a murder, and he got Gavin to concede that he lost a tape recording of a witness.

Some of the evidence gathered by Gavin was used by Lisker’s attorneys in their bid to win him a new trial, which has gained momentum in recent years. A federal judge has found that the case against Lisker has been “effectively dismantled” and that no reasonable juror would find him guilty in light of newly discovered evidence. The case is pending.

In court Thursday, Aguilera pointed out that the misconduct charge for releasing confidential material had been dismissed and that Gavin had subsequently been given coveted assignments, awarded a Medal of Valor and promoted to lieutenant.

Gavin testified that all of that was true, but he said there was more to it. The medal, he said, was awarded more than 10 years after he and other officers escorted elderly citizens out of a burning building. And after being promoted, he was transferred to

the Central Division, where Monsue, the now-retired detective who investigated the Lisker case, still had many friends.

Gavin said he doubted he'd ever be promoted to captain. "I'm not trusted," he said.

Testimony in the trial, expected to last through next week, is scheduled to resume today. --
