

CALIFORNIA

Jury rejects LAPD retaliation lawsuit

By Scott Glover

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TIMES STAFF WRITER

A federal court jury Monday rejected the claims of a veteran Los Angeles police lieutenant who said he was retaliated against by his superiors after uncovering evidence that undermined a decadesold murder investigation conducted by a colleague in the LAPD.

Lt. Jim Gavin alleged that he and his police officer wife, Carol, were subjected to a campaign of harassment following his work in the case of Bruce Lisker, who was convicted of killing his mother in 1985 and sentenced to 16 years to life in prison.

Gavin was working in internal affairs when he received a complaint from Lisker alleging he was the victim of a sloppy, dishonest police investigation conducted by then-Det. Andrew Monsue. Gavin began investigating the complaint and discovered, among other things, that bloody shoe prints presumably left by the killer and attributed to Lisker at trial did not match Lisker's shoes.

But Gavin alleged that his superiors prematurely ordered him to shut down his investigation, which prompted him to turn over some information about the case to Lisker's defense team and to reporters from the Los Angeles Times.

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 against his will and slighted in his annual performance evaluation. The misconduct complaint was later withdrawn. He said his wife, a sergeant with the LAPD, was also transferred against her will, given a new work schedule and harassed by co-workers and superiors.

During a week-and-a-half-long trial in front of U.S. District Judge Florence-Marie Cooper, lawyers from the city attorney's office sought to portray Jim Gavin as an overzealous crusader who got too close to Lisker's attorney and lacked proper perspective on the case.

They argued that neither of the Gavins had been retaliated against as a result of Jim Gavin's work.

The city's attorney said Jim Gavin had been given coveted assignments and promoted to lieutenant after he worked on the Lisker case, and had been awarded the department's medal of valor.

Jurors voted 8 to 0 to deny the Gavins' claims.

Deputy City Atty. Dan Aguilera, who defended the city and Police Department in the case, said jurors told him after the verdict that the plaintiffs failed to present sufficient evidence to support Carol Gavin's claims.

When it came to Jim Gavin, Aguilera said, jurors found that he had violated department policy by releasing confidential information and should have expected disciplinary action.

"They said he should have realized that by doing what he did there would be consequences," Aguilera said.

"They thought he did know that and yet he went ahead and did it anyway."

Aguilera said jurors did not believe that Gavin had been unfairly treated in his review or that his transfer was punitive.

Gavin's lead attorney, Cheryl Ruggiero, said she and her clients were "overwhelmingly disappointed."

"It's not just with the jury's verdict," she said, "but with what the verdict seems to be saying, which is that doing the right thing... is meaningless."
