

CALIFORNIA

Suit against ex-LAPD detectives can proceed, court rules

By MAURA DOLAN

March 20, 2015 | 12:51 PM

STAFF WRITER

Reporting from San Francisco — Two former LAPD detectives who allegedly framed a man for his mother's death can be held liable in a lawsuit, a federal appeals court decided Friday.

A three-judge panel of the U.S. 9th Circuit Court of Appeals said police cannot be sued in connection with their testimony in court or before a grand jury, but can be ordered to pay monetary damages for unlawful actions during an investigation.

Bruce Lisker, wrongfully convicted of murder in 1983, served 26 years in prison before a federal judge decided prosecutors had presented false evidence. The judge ordered Lisker to be released in 2009, and the state dropped charges.

Lisker alleges in his lawsuit that former Los Angeles police detectives Andrew Monsue and Howard Landgren fabricated police reports, investigative notes and photographs of the crime scene.

"The Supreme Court has repeatedly declined to extend absolute immunity to prosecutors acting outside of their traditional roles," the appeals court said.

Lisker was 17 when he was arrested for the slaying of his mother, Dorka, 66. He had a history of drug abuse and conflict with his mother and was living near her Sherman Oaks home in a studio apartment.

Lisker told detectives that he went to his family's home on the day of the killing to work on his car. No one answered the door.

Lisker said he peered through a window and thought he saw his mother lying on the floor. He then broke a window, climbed inside and called paramedics, he said.

Police said the weather that day would have made it impossible for Lisker to see his mother through the window.

A Los Angeles Times investigation raised questions about whether the investigation was properly handled.

A federal judge later determined that the prosecution's evidence about the weather was false and that Dorka Lisker's body could have been seen through the window. The judge also said prosecutors presented false evidence about shoeprints inside and outside the house.

Friday's ruling permits Lisker's lawsuit to proceed.

Maura Dolan is the California-based legal affairs writer for the Los Angeles Times. She covers the California Supreme Court and the U.S. 9th Circuit Court of Appeals. A California native, she graduated from UC Berkeley and has worked in Washington and Los Angeles for The Times. She is now based in San Francisco.
