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Jury awards damages to officer

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A Los Angeles County Superior Court jury on Wednesday awarded \$3.6 million to a Los Angeles police officer who said he was demoted and suffered retaliation when he stood up for a sexually harassed colleague.

Officer Donald Bender was stripped of a rank and kicked out of the department's canine bomb unit at LAX after he came to the defense of the only woman in the unit, who was subjected to lewd jokes and innuendoes and excluded from training sessions, according to Matthew McNicholas, Bender's attorney.

Wednesday's verdict marked the second multimillion-dollar jury verdict in the last three months resulting from retaliation claims. In September, a jury awarded \$3.1 million to a Los Angeles Police Department officer who said he was penalized for reporting a superior's racial epithets and possible embezzlement. Additionally, the City Council is scheduled to vote next week on yet another large payout to settle the case of Patricia Fuller, the female officer whom Bender said he supported. A person close to the

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Officer awarded damages

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matter said the figure was in the millions of dollars.

"There is a history of this type of situation, where we're losing millions of dollars in these hard economic times," said Los Angeles City Councilman Dennis Zine, a former LAPD sergeant and member of the council's Public Safety Committee.

Zine said the verdicts were an indication that there were gaps in investigations by the department's professional standards bureau and internal affairs. He called for the Police Commission's civilian watchdog to investigate the problem.

"How does this happen if it's all done properly?" he said.

Bender, who lost nearly half of his pay after the demotion and had to refinance his house to keep afloat, was in tears after the jury returned the verdict, McNicholas said. The jury's unanimous decision came after three hours of deliberations.

Attorneys for the city argued that Bender was disciplined because he improperly stored dangerous equipment containing explosives used to train the department's bomb-detecting dogs. Bender was also insubordinate and had problems getting along with others in the unit, the attorneys contended.

"Obviously the city is disappointed with the verdict, and we're looking at avenues to challenge it both in the trial court and on appeal," Deputy City Atty. Daniel Aguilera said.

Bender, a 21-year veteran of the department, was ostracized and threatened with demotion when he complained to supervisors about Fuller being excluded from training, and participated in internal investigations into her sexual harassment claims, according to his suit.

Fuller, the only female canine handler in the small elite squad at the time, was the target of crude jokes, his suit alleged.

In 2006, Bender was removed from the K-9 unit, demoted and assigned to a desk job, according to court papers. Bender said he was assigned to a division that was a four-hour commute from his home — a punishment known in the LAPD as "freeway therapy."

Claims of retaliation by LAPD officers who said they were punished for reporting misconduct by their supervisors have been costly for the city in recent years.

Last year, a jury awarded more than \$1 million to a detective who said she was demoted after she complained that her former boss promoted female employees in exchange for sexual favors, and paid a \$650,000 settlement to a police commander who alleged that he was denied promotion after he clashed repeatedly with former Chief Bernard C. Parks.

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