

Millions Awarded to Officer by Jury

Japanese American plaintiff said he endured racial bias in the K-9 unit for years.

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In one of the largest employment discrimination verdicts against the Los Angeles Police Department, a Japanese American officer who fulfilled his dream of becoming a police dog handler was awarded \$3.5 million Thursday for suffering racial discrimination, harassment and retaliation that forced his transfer to a less prestigious job.

"This man went through seven years of living hell and nothing could give him back his career, but this verdict is a clear vindication of Officer [Richard] Nagatoshi's courage, determination and honor," attorney Matthew S. McNicholas said after the downtown Los Angeles jury reached 12-0 verdicts on all three employment claims.

It is the highest employment discrimination verdict against the LAPD on behalf of an Asian American and against its K-9 unit, where Nagatoshi was one of two Asian Americans, McNicholas said. The other Asian American also has sued the department. The city plans to appeal the verdict, said Eric Moses of the city attorney's office.

Moses said that there were "legitimate nondiscriminatory reasons" for the actions that Nagatoshi claims were discriminatory and retaliatory, and that the harassment claim was filed past the statute of limitations.

"We don't believe the damage award was commensurate with the alleged damage," Moses said. "We believe they are more punitive" because Nagatoshi did not present medical records to support the allegation of emotional distress.

The jury, after two days of deliberations, awarded Nagatoshi \$591,000 for loss of wages and benefits and \$3 million in general noneconomic damages for the loss of the value of his career.

In one incident, Nagatoshi's fellow officers in the K-9 unit refused in January 2001 to respond to his backup calls during a 2 1/2-hour car chase, McNicholas said. He also received an e-mail in May 2001, stating, "You will pay for your treachery [sic]." "This jury became his backup," McNicholas said.

The 40-year-old officer, married with two children, graduated from the Police Academy in 1985 and was selected for the K-9 unit in 1993.

After two years in the unit, all of the dog handlers, including Nagatoshi, spoke out against their supervisors, who were trying to remove a lieutenant from his post.

Later, a sergeant made a derogatory remark about an Asian American driver during a K-9 unit event and forced Nagatoshi to sign a complaint form written in Korean, although he is not Korean, as his supervisors laughed.

Over the next several months, supervisors shunned him and investigated him for two alleged excessive-force complaints, which were dismissed, McNicholas said.

He took off the maximum 29 days in December 1999 to "reduce the stressful environment being created at home as a result of the retaliation at work" because his wife was pregnant.

Nagatoshi transferred to the Armory, where he distributes supplies, in November 2001, two months after filing his suit.

During that time, someone posted copies of his complaint in the K-

9 unit offices and stuffed pink women's underwear in his work mailbox, court papers said.

McNicholas said his client tried to resolve his dispute internally, seeking help at several levels.