

Local News

Police officers win gender bias case

Jury awards women \$3.2 million in damages

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A jury awarded two female Santa Barbara police officers \$3.2 million in damages, after finding they were harassed and discriminated against by the city and Police Department because of their gender.

Jurors on Tuesday also sided with Sgt. Juanita Smith and Officer Margaret Hause's contention that after complaining about promotion practices at the department, they were subjected to retaliation.

The dramatic decision on the third day of deliberations ended a five-week gender discrimination trial in Santa Barbara County Superior Court. The multimillion dollar verdict by the jury of eight women and four men prompted gasps from the audience. City leaders and lawyers were stunned. The plaintiffs cried, thanked their attorneys and hugged several members of the jury as they left the courtroom.

Jurors explained they were angered that city leaders ignored the officers' requests for a more inclusive force and said officials need to bring the agency into the 21st century.

"I just feel proud to be a part of this decision," said juror Joanne McGovern, tearing up. "After these white, male good old boys have dominated this department for so long, I feel good that we may have changed that."

The suit, filed in June 2000, accused the department's top brass of discriminating on the basis of sex, failing to prevent discrimination, harassing women based on their gender and retaliating against the officers. It also claimed the city's Human Resources Department ignored their complaints.

As evidence, they showed that Sgt. Smith -- whose promotion came on the eve of the trial -- was the first woman named sergeant in the department's 102-year history. The case also featured several retired, high-ranking cops who said a "glass ceiling" barred women from moving up the ranks and that a clique of "good old boys" made key decisions at the department.

The trial also exposed ugly habits among some members of the police brass, including the propensity of a former chief to stare at female employees' breasts.

"I'm just happy that the jurors saw that the truth came out," said Sgt. Smith, who was awarded \$1.85 million. "The city did not have anything to dispute those facts."

Several jurors singled out the testimonies of retired Interim Chief Jacque McCoy, Deputy Chief Richard Glaus and Sgt. Mike McGrew, who said the women lacked credibility or were overly dismissive of the officers' complaints. The jurors said they found their demeanor a form of retaliation.

Specifically, Mr. McCoy and Deputy Chief Glaus blamed the Human Resources Department for the lack of diversity in the process by which officers are promoted and for not responding when Sgt. Smith brought it to their attention through a formal complaint in March 2000. Human Resources staff put the responsibility back on the department, according to testimony.

The jurors were also troubled by the testimony of Sgt. McGrew, who said the plaintiffs were disloyal for filing the lawsuit -- and by Chief Cam Sanchez's unequivocal support of the sergeant's comments.

"To dismiss these women as disloyal after they had every right to file their grievance was Neanderthal," Ms. McGovern said.

Two jurors disagreed that the women were personally discriminated against, but did find the department retaliated when the officers complained. One of them added that the cops who testified on behalf of the city hurt its case, citing their demeanor as "very hostile."

Sgt. Smith filed her first grievance more than two years ago, but the department took no action, jurors said. And that was surprising to many on the panel, which voted 10-to-2 and 11-to-1 on the six questions they answered in favor of the plaintiffs. In a lawsuit, a

majority of nine jurors is needed to reach a verdict.

"No one took any responsibility for correcting this," said another woman juror who asked not to be identified.

She said she was taken aback by what she learned during the weeks of testimony.

"I was just surprised how little things have changed after all these years," she said. "You wouldn't think you'd have this kind of atmosphere in the city of Santa Barbara in the year 2002."

Officer Hause, who was awarded \$1.35 million, said the jury's decision validated her fight for equality.

"This was about just trying to straighten something out," she said. "I'll be in uniform Monday morning."

Chief Sanchez said he was disappointed with the decision and admitted the agency was hurt "a little bit" by the trial. He will tell the force to put the case behind them and move forward.

He welcomed the officers to return to their jobs and noted that most of the problems stemmed from the previous administration of Chief Richard Breza, who held the top post for 13 years before his death in 2000. Chief Sanchez said he has addressed most of the problems through an overhaul of the promotions process. It is now a system that employs more diversity and increases the candidate pool, he said.

The city's top cop called the trial an educational experience and plans to implement some of those lessons in the near future.

"Part of the reason that I was here every day was to learn things I needed to learn," he said. "Maybe we will change a couple of things that need attention."

Los Angeles attorneys Tom Laffey and Nancy Yaffe, hired by the city to defend it from the suit, said a decision to appeal the verdict would come later. But the lawyers said some post-trial motions seeking a reduction in the award or a new trial are likely.

"I'm very surprised and disappointed," Mr. Laffey said.

The plaintiffs' attorneys, David Nye and Janean Acevedo Daniels, said the department's dirty laundry could have stayed in the hamper. From the moment they filed the lawsuit, the lawyers asked city leaders to sit down and discuss the issues. They said they even offered

to settle the case last year for \$300,000 -- 10 percent the amount the city will now likely have to pay.

The city responded with silence, the attorneys said.

"I am wonderfully proud of these two officers," said Ms. Daniels. "This sends a loud message that discrimination and harassment of women will not be tolerated in the 21st century in the city of Santa Barbara."

Mr. Nye said the overwhelming victory may prompt him to ask Judge James Brown to order the department to make changes to stop the pattern of discrimination at the agency.

"People in the police department should acknowledge the fact they did make some mistakes," he said. "Implement some positive changes. Hopefully this would be done voluntarily as opposed to a court order."

The next step in the court process will be for Sgt. Smith and Officer Hause to ask Judge Brown to order the city to pay their court costs, which could amount to hundreds of thousands of dollars. The jury inadvertently included the figure in their verdict, but the judge made them recalculate the award less the legal fees.

Once those issues are resolved, the city may appeal.

"It would be nice if we can wrap up the financial aspect of this without having to go through an appeal," Mr. Nye said. "They are the reason we are here. Not us."

Sgt. Smith, who was working a desk job while recovering from a hand injury, will accept the chief's invitation to return. But she hopes her superior recognizes the current problems in the department.

The sergeant was especially troubled by Sgt. McGrew's comments that the suit was "meritless" and cost the women "credibility" among their peers. The chief responded that he did not find the comments retaliatory and defended Sgt. McGrew's right to make them.

"(Chief Sanchez) has already said he has not recognized hostility. He calls it loyalty," Sgt. Smith said. "I have to go back. How long I stay will be up to the chief."