

## New suit, old charges

A suit seeking repayment from East Palo Alto for legal costs has brought to light accusations that male officers harassed a female officer, at one point reading sexually explicit magazines in her presence.

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## NEWS

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# New city suit unearths old harassment charges

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A new case filed against the city of East Palo Alto has brought to light allegations that a former male sergeant inappropriately touched a female officer and a current male sergeant read porn in her presence.

When East Palo Alto declined to represent two of its police officers accused of sexually harassing a fellow officer, the Legal Defense Fund of the Police Officers Research Association of California took the case.

Now the Defense Fund, which represented the two officers in a case that began in 1998, has filed suit against East Palo Alto, asking the city to pay back \$48,232 in legal fees, said East Palo Alto City Attorney Michael Lawson. The Fund

claims the city should have represented the officers in the first place, Lawson said.

The case at issue — Lootens vs. City of East Palo Alto — is based on incidents that allegedly occurred in 1998. In the lawsuit, former police officer Mitzie Lootens accused former Sgt. John Chalmers of inappropriately touching her and current Sgt. Jeff Justus of creating a hostile work environment by reading sexually explicit magazines while on duty in her presence.

The city and the officers settled the case with Lootens two years ago and Lootens received \$99,000, Lawson said. Lootens has since left the force.

Lawson said California case law states that a public employer, such as the city, isn't obligated to defend

employees accused of sexual harassment. He also said the city's police department conducted an investigation into the matter and found that the city had a "good faith basis" for not defending the officers.

Tonight in closed session, City Council is scheduled to discuss the suit by the Legal Defense Fund, which was filed Wednesday in San Mateo County Superior Court in Redwood City. Lawson said he was expecting the suit and said he expects the council will opt to defend its position that the city was not obligated to represent the two accused officers.

The Daily News could not reach the Defense Fund for comment yesterday. Justus was off-duty yesterday and also could not be reached.