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## Officer Sentenced in Fondling Cases

*A victim voices outrage as the former policeman gets 90 days for abusing her and an undercover woman officer in a later sting operation.*

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March 17, 2005 | Caitlin Liu | Times Staff Writer

After the judge publicly scolded prosecutors, a former LAPD officer convicted of fondling a woman and improperly touching another while in uniform was sentenced Wednesday to 90 days in custody.

The sentence outraged victim advocates in the courtroom, who thought of it as a slap on the wrist. One of the ex-officer's victims left in tears.

"He held a position of public trust, and he abused that position," said Los Angeles County Superior Court Judge Anne H. Egerton, who repeatedly chastised prosecutors for making blunders in the case.

Michael Kapalungan had agreed to plead guilty to felony assault before the trial. But prosecutors rejected the offer and gambled on obtaining a jury verdict that would have required him to register as a sex offender. The judge is researching whether he may still have to register as a sex offender.

"You insisted on taking this case to trial, but you lost" on the serious charges, Egerton said, glaring at Deputy Dist. Atty. Valerie Aenlle-Rocha.

Instead, the former officer was convicted of three counts of simple battery and one count of sexual battery. He faced up to two years in jail for the lesser crimes.

"He's sitting there with a stupid, smug smile on his face right now. He deserves more than 90 days," said the victim identified as "Debra H.," pleading with the judge for a harsher sentence before she walked out. "He had no regard ... that I was in a vulnerable position."

The former officer, who has resigned from the LAPD, had his back to the audience and did not look at his accuser as she spoke.

Aenlle-Rocha could not be reached for comment after the hearing. Jane Robison, a spokeswoman for the district attorney's office, declined to comment on the case.

Last month, a jury convicted Kapalungan of battery against Debra H., who let the uniformed officer into her home after she called 911 to report domestic violence.

The jury also found him guilty of sexually battering an undercover female police officer who was posing as another domestic violence victim. After Debra H. complained, the Los Angeles Police Department conducted the sting, which resulted in a videotape of Kapalungan groping the female officer's breast.

The sting was conducted by the LAPD's new ethics enforcement unit.

Kapalungan's 90-day sentence includes 30 days in jail and 60 of electronically monitored home detention. The judge also ordered him to perform 90 days of Caltrans duty and complete a sex offender therapy program.

Egerton said she believed Kapalungan lied in testifying and that the sentence was more severe than usual for similar cases.

In a sentencing memorandum, the judge wrote that when a crime victim calls police, "she has the right to expect that she will be treated with respect, that her complaint will be taken seriously and investigated and that she will not be inappropriately touched for the officer's own pleasure."

Kapalungan's lawyer, Ira Salzman, said his client was satisfied with the outcome.

"We're very thankful that the judge imposed a fair sentence," Salzman said. "He's a good family man. He's not a sexual predator."

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