

## Suit: LCPD failed to address atmosphere of sexual harassment and abuse

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Ex LCPD detective had a history of sexual misconduct before assaulting student, lawsuit states



Michael Garcia

LAS CRUCES -- A former police detective who recently admitted to the sexual assault of a high school girl interning with the Las Cruces Police Department has a history of sexual misconduct, and LCPD failed in handling his previous transgressions, a civil federal lawsuit alleges.

As part of an April 17 agreement with federal prosecutors, Michael Garcia, 38, pleaded guilty to criminally violating the civil rights of the teenage girl during a May 2011 ride-along - the sexual assault occurred inside Garcia's unmarked car.

But that wasn't Garcia's first wrongdoing in a LCPD car.

In August 2010, Garcia had sex in his police car with another LCPD officer's girlfriend, according to the civil lawsuit filed by the teen's family. That was reported to internal affairs, and authorities found a condom and opened wine bottle in Garcia's patrol unit, the lawsuit states. Later, according to the lawsuit, Garcia admitted to drinking wine in his police car.

By 2011, LCPD officials received two other complaints against Garcia, both detailed in the lawsuit.

The first, leveled that January, said Garcia threatened the ex-husband of his girlfriend during a custody exchange, barking to the man, "you better watch your back and your car." Two months later a complaint came in stating that Garcia was having sex with a convicted felon. It is unclear to whom the complaint was referring.

To Shannon Kennedy, the Albuquerque civil rights attorney who filed the civil lawsuit for the family, the "accumulation of bizarre complaints" against Garcia paint a picture of a man with numerous "pathologies" and "boundary issues."

At the time those complaints were filed, Garcia was already supervising the teenage girl, along with two other detectives.

Garcia, who resigned days after his August 2013 arrest, was at the time a veteran LCPD detective, specializing in child abuse cases. The young woman, who is not being identified by the Sun-News because of the nature of the case, was a Mayfield High School student working with the police department through the public schools' Excel program.

She had been volunteering at LCPD since age 13, with the goal of becoming a police officer, so she knew many within the department and was held in high regard. Former LCPD Chief Harry Romero commended the work she did on backlogged fingerprint cards in a 2008 letter.

But according to the lawsuit, Garcia exposed her to a different side of the department in January 2011, not long after she started with the Excel program.

The lawsuit alleges that while in the girl's presence, Garcia engaged in "sexual banter" with other male officers and supervisors. Kennedy said the girl was unaware she could complain about such behavior and was uncomfortable telling anybody else about the banter because it seemed to be "routine and part of the culture of the police department," the lawsuit states.

Kennedy, who said she has years of experience in similar cases, alleged in the lawsuit that LCPD:

- Has "no effective complaint mechanism" to report sexual misconduct
- Refused to adequately discipline male officers unable to work young women and female officers
- Should have been aware of the atmosphere of sexual harassment and abuse created by Garcia and others.
- Had no proper training on how to deal with sexual misconduct involving student volunteers or interns. LCPD's "locker room culture" fostered Garcia's sexual abuse and other misdeeds, Kennedy said.

"Putting a sexual predator in that kind of environment makes them more dangerous," she said.

Kennedy added that because Garcia was not disciplined, his actions continued and escalated. She suspects he was not properly vetted through psychological testing. The lawsuit states Garcia admitted to being sexually abused as a child. Kennedy said that, combined with his alleged penchant for sexual misconduct likely would have shown up on psychological questionnaires used by police.

Investigators reportedly learned that Garcia is HIV positive, the lawsuit states. The girl has had herself tested.

In a copy of Garcia's statement to investigators following his arrest, LCPD detective Edgar Rosa starts to ask Garcia why he sexually assaulted the girl.

Garcia addresses an FBI agent also in the room: "You don't know me George. But Edgar (expletive) knows me and the (expletive) ... All my (expletive) shenanigans in the past, right?"

Neither Garcia nor his attorney could be reached for comment.

LCPD spokesman Dan Trujillo and City Attorney Harry "Pete" Connelly declined to comment, both saying they can't talk about pending litigation. Connelly said his staff would "vigorously" defend the city.

The state criminal case against Garcia has been dropped in light of the related federal plea deal. But Garcia also faces charges that he sexually abused another young girl, outside of his duties with LCPD.

That case is pending.

The civil lawsuit seeks unspecified actual, compensatory and punitive damages. Kennedy said she litigated a case of a teacher inappropriately touching a young student that garnered more than \$3 million in damages from a jury.