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Ontario Officers File Suit Over Secret Locker-Room Taping

Camera, part of a probe of a flashlight theft, purportedly recorded 125 men.

By Lance Pugmire
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A group of Ontario police officers covertly videotaped while undressing in the police station's men's locker room in 1996 on Thursday filed a federal class-action lawsuit against the city and the former police chief.

The video camera was installed during an internal investigation over the theft of a flashlight and recorded an estimated 125 officers in various stages of undress, said attorneys for the American Civil Liberties Union of Southern California, who, along with private attorneys, are representing the officers.

The videotape footage, shot during three days by a camera focused on a wooden bench in front of several police lockers, was discovered in April 2003 by an officer while the police headquarters was relocated to a new building.

"I was left extremely embarrassed, and my privacy has been extremely violated," said Ontario police Sgt. Steve Trujillo, who spoke for nine officers gathered at a morning news conference to announce the lawsuit.

The officers said they decided to file the suit after the San Bernardino County district attorney determined that criminal charges could not be filed against those allegedly responsible because the statute of limitations had expired.

The officers also said they were not satisfied with a city-ordered investigation of the incident conducted by the San Bernardino County Sheriff's Department. None of the Police Department officials allegedly involved was disciplined, and the investigation determined that the officers' rights had not been violated.

Shown in towels and underwear but never fully undressed in the video, the videotaped officers say the

use of the camera violated their "fundamental" right to privacy. ACLU attorney Peter J. Eliasberg said there was no search warrant granted that permitted the hidden camera.

"To commit such a blatant violation of the law just to find someone who committed the suspected petty theft of a flashlight — this was going after a gnat with a howitzer," Eliasberg said.

The suit alleges that now-retired Police Chief Lloyd Scharff was aware of the hidden camera, planted under the orders of Ontario police Sgt. Brad Schneider. The suit contends that a police captain got the camera from the narcotics division and that a man working for a private surveillance video company installed it.

Scharff did not return phone messages left at his home, and an attorney for the city, John Brown, also failed to return phone messages.

Sgt. Jeff Quon, a 23-year veteran of the department, was among the officers shown in his underwear on the videotape. He said the suit was filed to seek answers about the extent of the videotaping and to stop retaliation against officers who had criticized the tactics used in the case.

"As soon as you speak out against this, you're blackballed — passed over for [promotions] and left off of [units]," Quon said. "We've risked our lives for this department, and after going through this, we now feel we are being punished."

Eliasberg said the officers are seeking financial damages. He also said the officers want to find out how long the surveillance camera was used, whether teenage members of the department's Police Explorers unit also were videotaped and whether the footage was distributed to anyone outside the department.

Quon said he was hopeful the lawsuit would result in department sanctions against those involved. He compared the officers' plight to that of female Hooters applicants of a West Covina restaurant who were videotaped changing into restaurant uniforms.

"The Hooters [restaurant manager] got five years in prison for what he did," Quon said of the August case. "Why isn't anyone going to jail for this?"

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