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## Attorneys allege retaliation against HPD officers who filed discrimination suit

By Ben Gutierrez | May 12, 2012 at 1:45 AM HST - Updated June 26 at 10:11 PM



HONOLULU (HawaiiNewsNow) - Attorneys for three Honolulu police officers who filed suit against the Honolulu Police Department have filed an amended complaint in federal court, alleging that the city reversed a ruling crucial to their case.

The lawsuit was filed by Sgt. Shermon Dowkin, an African-American, and officers Federico Delgadillo, Jr., a Mexican-American, and Cassandra Bennett-Bagorio, described in the lawsuit as Caucasian. It contends that Dowkin and Delgadillo were the targets of racial discrimination starting in 2008, and that Bennett-Bagorio was targeted for retaliation when she defended the other two officers.

Several defendants are named, including HPD, the city, former police chief Boisse Correa and current chief Louis Kealoha.

The complaint alleges that the discrimination happened at the Kailua station, where another defendant, police Lt. Dan Kwon, called Delgadillo names like "beaner," "senorita" and "wetback." The lawsuit also alleged that Kwon was overheard using an expletive and the "n-word" to describe Sgt. Dowkin.

After Dowkin filed complaints, the lawsuit alleges that Kwon and then-Sgt. Wayne Fernandez retaliated against them.

"Sgt. Fernandez and Lt. Kwon in district 4, who basically gave direct orders to the patrol units not to provide backup cover for the DUI team, which was at that time, Sgt. Dowkin, officer Delgadillo and one other officer," said Merit Bennett, one of their attorneys, from his office in Santa Fe, N.M. Bennett said not giving the officers backup while stopping motorists suspected of driving under the influence violates HPD policy and also put the officers in danger.

Bennett also said some of the retaliation happened after the original lawsuit was filed in February 2010. In their amended complaint, Bennett and attorney Seth Goldstein said the city's administrative review board had reviewed Dowkin's complaint against Kwon and Fernandez, and recommended disciplinary action against Kwon. "Basically, it's their own admission that racial discrimination occurred," said Bennett.

Last November, the city's equal opportunity officer, Denise Tsukayama, recommended that charges against Kwon and Fernandez be "deemed not sustained." Tsukayama is also named as a defendant in the lawsuit.

Delgadillo resigned from the force in the summer of 2011.

The city's corporation counsel and HPD both said they would not comment on the case because it is pending litigation. A hearing is scheduled Monday to determine whether the court will accept the proposed amended lawsuit.

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