

Austin officer sues Police Department

BYLINE: Claire Osborn **DATE:** January 1, 1998 **PUBLICATION:** Austin American-Statesman (TX)
PAGE: B1

Austin police Capt. Joe Putman filed a whistle-blower lawsuit against the City of Austin on Wednesday, alleging that he was retaliated against for requesting a federal investigation into the Austin Police Department.

The lawsuit, which also names Assistant Police Chief Bruce Mills, asks for \$1 million in actual damages and \$2 million in punitive damages.

"The Police Department wrongfully, indefinitely suspended him as a result of him making a report he felt obligated to make," said Putman's lawyer, Steve **Gibbins**.

Putman's job has since been restored at the Police Department, where he is assigned to the organized crime unit, **Gibbins** said. He remains on administrative leave, however, until a final decision is made about his job. Putman is eligible for retirement in February.

Austin Police Department spokeswoman Sally Muir said Wednesday that the department could not comment on any pending litigation.

At least six other Austin police officers sued under the whistle-blower law in 1997. In each case, the officers say superiors retaliated against them, often by transfers, after they reported possible criminal wrongdoing.

The federal investigation that Putman initiated began last March, when he allegedly told federal authorities that he had destroyed an offense report that named Assistant Police Chief Michael McDonald as a possible suspect in a crime several years ago.

McDonald was cleared by both local and federal officers of any wrongdoing, and the city reimbursed him \$38,000 for attorney fees because of allegations arising from the Putman incident.

Putman later denied lying to the FBI and U.S. attorney and denied destroying any documents. He said that, in hopes of clearing his name, he had simply asked them to investigate rumors in the department that he had stopped an investigation involving another officer.

Federal authorities took no action against Putman.

Police conducted their own investigation, however, which led to Putman's firing in August for allegedly lying to federal authorities and discrediting the department.

Civil service commissioners ruled on Oct. 9 that Putman had lied to federal officials, but they restored his job with a 10-day suspension, saying he didn't discredit the department.

Although his job was restored, Putman filed the whistle-blower lawsuit Wednesday because of the effect the suspension has had on his life, **Gibbins** said.

According to the lawsuit, Putman has suffered humiliation, embarrassment and emotional distress. He also was diagnosed as having a major depressive disorder, the lawsuit says.

"He said this is going to have a rippling effect on his reputation, employability and effectiveness that's going to last for years," **Gibbins** said.