

The following articles were published in the Maui News. The names of the plaintiff and an accused person have been altered out of respect for their privacy.

June 3, 1999

DEFENSE QUESTIONS PLAINTIFF'S MENTAL STABILITY IN SEXUAL HARASSMENT TRIAL

By PAULA GILLINGHAM

For The Maui News

HONOLULU -- A psychologist called by the defense Thursday raised questions about Maui Police Officer Jane Roe's mental stability as the federal trial in Roe's sexual harassment lawsuit against Maui County neared an end.

Attorneys from both sides are expected to make their closing arguments to the jury today.

Roe, a Maui Police Department officer since 1991, is seeking an unspecified amount of damages for sexual harassment and other civil rights violations.

Honolulu attorneys Richard Rand and Tamara Gerard, hired by Maui County to defend against Roe's lawsuit, rested their case following testimony from Gary Farkas, a clinical psychologist accepted by the court as an expert. The county had hired Farkas to give Roe a battery of psychological tests to help determine whether she suffered from psychological problems and what her prognosis might be.

Some of the 11 tests Farkas administered to Roe included the Minnesota Multiphasic Personality Inventory, the California Personality Inventory, a temperament analysis, a depression inventory, an anger inventory, a personal history checklist and a checklist of stressful life events.

Farkas' background includes 20 years of practice in psychology and the counseling of trauma victims. Presently under contract with the Honolulu Police Department, Farkas designed HPD's first police psychology program in the 1980s, which is used for interviewing potential police candidates and counseling officers.

Farkas testified that although Roe was an enthusiastic police officer, her test scores indicated extreme instances of malingering or faking illnesses. Farkas said that scales within the Minnesota test designed to measure test-taking attitude find that subjects will either try to make themselves look good, impress themselves or look bad. It is the most popular test used by police departments to screen candidates and to test employees.

On the test's malingering scale, Farkas said Roe scored a 120, far above the normal score of 50.

``That is a score confined to one-quarter of 1 percent of the population, a rare group of people," Farkas said. ``We call them `faking bad.' "

Farkas said that on the other malingering scale of the same test, Roe also scored a 120, the highest score possible.

Farkas also said that Roe scored extremely high scores in the California test, which segregates scores for civilians and for police officers. In the negative assessment scale, Roe scored 107 where a normal score for a civilian would be 70. In the police-officer section of the test, she scored 297, where the normal score also would be 70. Both results indicate extreme malingering, he said.

Farkas testified that he found Roe to have a wide range of emotions. When visiting his office in Honolulu, she talked for six hours about her life and psychological histories, her history of illnesses and her medical status.

Farkas said she showed little emotion when relating that her sister recently had a leg removed due to cancer. But, said Farkas, when talking about former MPD Deputy Chief _____, Roe got emotional. Farkas said Roe referred to _____ as a man with charisma, for whom she had great respect, but feared because she said he was connected to organized crime.

(Roe alleges in her lawsuit that she was raped on four occasions by _____, who retired in April 1996 after 26 years on the force. She never filed a formal complaint. _____ testified last week that he and Roe had consensual sex two times. _____ has never been charged with any criminal violations, nor was he ever the subject of any disciplinary action by MPD.)

Farkas testified that there were many inconsistencies in what Roe told him and that there were many variations to her test results. He said it was hard to feel confident in whatever she told him.

Farkas' diagnosis was that Roe suffers from adjustment disorder caused by her medical, financial and litigation problems. He said it was a temporary disorder that would be relieved once some of the stress would let up.

"Once this case was over, would that relieve some stress?" asked Rand.

Farkas said it would. But he also said Roe suffered from a personality disorder.

"Hers is a mixed-up, chop-suey personality," Farkas said.

He added she demonstrates histrionics -- self-dramatization or melodrama -- and is narcissistic, exaggerating her achievements.

Contradicting testimony earlier in the trial by Wailuku psychiatrist Riggs Roberts, Farkas said Roe does not suffer from posttraumatic stress disorder.

There is hope for Roe, Farkas said, who added his initial impression of Roe was that she was a dedicated police officer. Farkas said Roe can work again if she reduces the stress in her life and gets treatment for her personality disorder.

Following Farkas' testimony, Roe's attorneys called one final rebuttal witness.

June 8, 1999

MAUI POLICE OFFICER Jane Roe LOSES SEX HARASSMENT CASE AGAINST MPD.

By PAULA GILLINGHAM

For The Maui News

HONOLULU -- A federal jury has decided that Maui police officer Jane Roe was not sexually or racially harassed by Maui County and its police department.

The jury of four women and four men began deliberations last Friday morning, recessed over the weekend, then presented its verdict to U.S. District Court Judge Susan Oki Mollway at about 11 a.m. Monday.